

# Personnel and Miscellaneous Rules

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Non-Codified Supreme Court Rules and Best Practice Guidelines and Standards

Nebraska Juvenile Civil Complaint Form

# Nebraska Supreme Court Personnel Policies and Procedures Manual

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# Nebraska Supreme Court Personnel Policies and Procedures Manual

**Personnel Policies and Procedures for the Nebraska Supreme Court System**

*(November 2003; revised April 2008; revised July 2015; revised October 2016; revised May 2017; revised April 2020)*

## 1. Range of Applicability

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## 1. Range of Applicability

These policies and procedures apply equally to all employees of the Nebraska Supreme Court unless otherwise noted. Included are employees working in the probation system, the district courts, the separate juvenile courts, the county courts, the Reporter of the Supreme Court's Office, the Clerk of the Supreme Court's Office, the Administrative Office, the Staff Attorney Offices of the Supreme Court and Court of Appeals, the Office of the Counsel for Discipline, the Office of Dispute Resolution, and the State Library.

These policies, except where otherwise specifically stated hereinafter or in any other Nebraska Supreme Court rule, expressly do not apply to judges, the Clerk of the Supreme Court and Court of Appeals, the Reporter of the Supreme Court and Court of Appeals, the State Court Administrator, the State Probation Administrator, the Counsel for Discipline, or private staff of the individual justices of the Supreme Court or

judges of the Court of Appeals. Such private staff consists of administrative assistants, career law clerks, and law clerks.

If additional policies exist pertaining only to particular probation districts or district courts, separate juvenile courts, or county courts in which personnel are employed, they will be explained by the chief probation officer, judge, clerk magistrate, or judicial administrator in that location. Any additional policy, however, shall require approval by the Administrative Office of the Courts/Probation and shall be consistent with, and limited by, the provisions of these rules.

*Amended 7-16-03; amended November 24, 2021, effective January 1, 2022*

## **2. Management Authority**

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## **2. Management Authority**

Supervisors in local offices are responsible for managing and directing the employees of those offices in accordance with the Supreme Court Personnel Policies and Procedures. Supervisory staff is designated by job description. Unless otherwise assigned, pursuant to Neb. Ct. R. of Cty, Cts. 59 (Presiding Judges), the presiding judge bears the responsibility for the hiring, evaluating, and disciplining of the judicial administrator and/or clerk magistrate(s) of the district in accordance with the Supreme Court Personnel Policies and Procedures.

Supervisors have the authority to determine specific responsibilities of any position within the constraints of the individual job descriptions and to make assignments or changes in duties as needed. The supervisors are also responsible for other conditions of employment, including work schedules and working conditions.

Supervisors are responsible for the application of these rules within their local offices and shall ensure that all employees comply with the provisions of these rules.

*Amended 7-16-03.*

## **3. Equal Employment**

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## **3. Equal Employment**

The Nebraska Supreme Court endorses the philosophy of equal employment opportunity. Employment decisions will be made without discrimination on the basis of race, color, religion, sex, national origin, political affiliation, marital status, physical or mental disability, or age. Such employment action includes, but is not limited to, recruitment, hiring, job assignment, training, transfer, promotion, discipline, benefits, and educational opportunities.

*Amended 7-16-03.*

## **4. Nepotism**

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## **4. Nepotism**

An employee shall not engage in nepotism, in connection with the hiring, discharge, or treatment of persons who are or may be under the employee's supervision. "Nepotism" means the participation by an employee in any action relating to the employment or discipline of a member of the employee's family, including advocating, authorizing, or otherwise causing the employment, appointment, promotion, transfer, or advancement of a member of the employee's family, or supervising or managing any member of the employee's family. For purposes of this policy, member of the employee's family means grandfather, grandmother, mother, father, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepdaughter, stepson, stepbrother, stepsister, half brother or half sister.

*Adopted 4-23-08.*

## **5. Selection and Recruitment**

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## **5. Selection and Recruitment**

Each office of the Nebraska Court System shall take steps to ensure that employees within the system are recruited and selected based on an open and competitive basis. The necessary knowledge, skills, and abilities for the specific position shall be the principal factors considered in the selection process. Selection procedures shall be uniformly administered in making a final hiring decision. Each office is responsible for documenting all required selection activities involved in the hiring process including the interview questions and any other screening device. A copy of the hiring procedure shall be sent to the Administrative Office of the Courts/Probation. Applications and all other material used in the hiring process may be disposed of 3 years after the date of application.

When a vacancy occurs, permission to fill the vacancy must be obtained from the Administrative Office of the Courts/Probation. Job notices shall be advertised both internally and externally, except in the event that the nature of work and the business needs of a local office support a shift in the Office's job classifications

from one type of job to another type of job (for example, when probation caseloads demand an increase in Specialized Officers and a decrease in Probation Officers, or court caseloads demand an increase in Records Clerks and a decrease in Cashiers), and the need for rebalancing has extended beyond a 6-month period. In those circumstances only, the local office shall submit a request to the Administrative Office of the Courts or Probation citing the business need and classifications affected. If approved, existing vacant positions will be reclassified, after which the Office may "post" any remaining reclassification opportunities internally amongst eligible employees within the District/County and, through a competitive selection process, assign the new job classification(s) to the most qualified candidate(s). Where the need for rebalancing will result in downward reclassification, candidates for reclassification will be identified based on performance. (See Job Reclassification.)

*Amended 7-9-2015; amended 5-10-17.*

## **A. Job Postings**

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## **A. Job Postings**

Job postings must be filed with the State Department of Personnel Jobs Website. Hiring Personnel may also post job openings in other local publications with the same language used in the State Posting. Notices placed in newspapers or publications that involve costs to the Supreme Court require prior approval from the Administrative Office. Positions shall be advertised for a minimum of 6 workdays.

Applications shall only be accepted when a vacancy occurs.

With prior approval, the Supreme Court may reimburse up to three applicants per position/vacancy for travel, meals, and lodging expenses incurred in traveling to and from the prospective job site/interview site. The same policies as established for employee travel shall apply when determining the amounts to be reimbursed, and requests for reimbursement shall require the same documentation.

*Amended 9-27-05; amended 7-9-15.*

## **B. Veterans' Preference**

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## **B. Veterans' Preference**

Veterans and spouses of veterans determined eligible in accordance with Sec. 48-227(4) of the Nebraska Revised Statutes shall be given preference in hiring (Veteran's Preference).

Veterans who obtain passing scores on all parts or phases of a hiring examination or numerical scoring tool shall have five percent added to their passing score if a claim for such preference is made on the application. An additional five percent shall be added to the passing score or numerical scoring of any disabled veteran.

When no examination or numerical scoring is used, the preference shall be given to the qualifying veteran if two or more equally qualified candidates are being considered for the position. A veteran desiring to use a veterans preference shall provide the hiring authority with a copy of the veteran's Department of Defense Form 214, also known as the DD Form 214. A spouse of a veteran desiring to use a veterans preference shall provide the hiring authority with a copy of the veteran's Department of Defense Form 214, a copy of the veteran's disability verification from the United States Department of Veterans Affairs demonstrating a one hundred percent permanent disability rating, and proof of marriage to the veteran. Any marriage claimed for a veterans preference must be valid under Nebraska law. Within thirty days after filling a position, veterans who have applied and are not hired shall be notified that they have not been hired. Such notice also shall advise the veteran of any administrative appeal available.

*Adopted 7-16-03; amended 7-9-15.*

## **C. Criminal History Screening**

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## **C. Criminal History Screening**

In accordance with procedures approved by the Nebraska Supreme Court, a criminal background check will be conducted after a conditional offer of employment is extended, with continued employment contingent upon a satisfactory result of the background check. The employee shall be required to sign a statement of understanding regarding the criminal background check and conditional job offer.

*Adopted 7-16-03; amended 7-9-15.*

## **6. Employment Status Verification**

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## **6. Employment Status Verification**

The Immigration Reform and Control Act of 1986 requires employers to verify both identity and employment authorization of all individuals hired to work in the United States. Verification documents shall be reviewed, completed, and retained in accordance with federal regulations. Supervisors in local offices are responsible for verifying the appropriate completed forms of all new employees after the job offer has been made and within the first three days of employment. New employees choose the documents to present from the list of acceptable verification documents. The completed I-9 form shall be included in the employee's personnel file and a copy of the form shall be sent to the Administrative Office.

*Amended 7-16-03.*

## 7. Initial Employment

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## 7. Initial Employment

Employees will receive new employee information upon hire. Forms should be completed and returned to the Administrative Office immediately. If the employee will be driving a state car, a driver identification card must be obtained after taking the State's defensive driving course.

All probation staff will be provided with a probation based policy and procedural manual upon commencing employment. A state photo identification card will be issued to all probation officers, and to probation support staff, at the supervisor's discretion. Following completion of their provisional period, probation officers will be issued a badge. All probation staff are responsible for any state equipment or business related items entrusted to them and the same shall be returned to their supervisor upon termination of employment.

All employees are required to complete new employee orientation and required training for their specific position. County court employees will complete JUSTICE training within the first 6 months of their employment as a condition of successfully completing their provisional period.

*Amended 7-16-03, amended 10-30-13; amended 7-9-15.*

## 8. Service Date

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## 8. Service Date

An employee's service date is used to determine the amount of annual vacation and sick leave earned, and to compute eligibility for the Public Employees Retirement System. For most employees, this is the date of hire. If an employee leaves employment or is on leave without pay status with the Nebraska Court System for other than disciplinary reasons and returns to employment with the Nebraska Court System within 5 years, the service date will be adjusted for the period of absence. The employee will earn leave at the same rate as when they left employment with the Nebraska Court System and their accumulated unpaid sick leave balance will be reinstated. The employee will be considered a "new employee" for original provisional status purposes. If an employee has retired from the Nebraska Supreme Court or another State Agency and returns to work after the required 120 day break in service, the employee's service date will be reset to the date of reemployment and the employee will earn leave at the rate of a new employee.

*Amended 7-16-03; amended 7-9-15.*

## **9. Anniversary Date**

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## **9. Anniversary Date**

An anniversary date is the date of original hire with the Nebraska Court System.

## **10. Employment Categories**

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## **10. Employment Categories**

### **A. Full-time**

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### **A. Full-time**

Full-time employees shall work, at a minimum, 40 hours per week on an ongoing, continuous basis. Employees who do not log 40 hours each week, either in time-worked or authorized leave, are not full-time employees. Full-time employees earn all benefits.

*Amended 7-9-15.*

### **B. Part-time**

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### **B. Part-time**

Part-time employees work fewer hours than full-time employees on an ongoing, continuous basis. Work schedules may fluctuate by week, month, or season. FTE status will be computed based on average hours-worked over a six-month period. Only part-time employees working 50 percent or more of the FTE are eligible for insurance benefits.

## **C. Temporary**

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## **C. Temporary**

Temporary employment may be full-time or part-time. Temporary employees shall be hired for a period of time not to exceed 1 year.

Temporary employment shall not count toward service date or original provisional period.

Temporary employees may be separated at any time without 2 weeks' notice. The notice of separation must be in writing and shall specify the date of separation.

Temporary employees shall not receive benefits except the following types of paid leave: civil leave and military training or emergency duty leave.

Temporary employees have no grievance rights.

## **D. Authority for Employment of Temporary or Part-time Employees**

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## **D. Authority for Employment of Temporary or Part-time Employees**

Employment of persons on a temporary basis can be undertaken upon the recommendation of the appropriate supervisor and the approval of the Administrative Office. The recommendation shall contain the reasons for employment and the expected duration of employment. If offices have temporary help who are paid on an hourly basis, time cards shall be submitted in compliance with the schedule that has been set by the Administrative Office.

*Amended 7-9-15.*

## **E. Replacement Status**

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## **E. Replacement Status**

For the purpose of training, and with the approval of the Administrative Office, supervisors may hire a qualified applicant for a period not to exceed 30 calendar days to understudy an incumbent vacating a position. Service in a replacement status shall be included as a part of the original provisional period for the position occupied.

## **11. Classification Plan**

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## **11. Classification Plan**

The classification plan is based on a systematic review and analysis of the duties and responsibilities of all positions in the Supreme Court classified personnel system. Classification is based on a variety of factors including duties performed, scope and level of responsibilities assigned, the nature and extent of supervision received and/or exercised, and the knowledge, abilities and skills required. Positions having similar duties and responsibilities are grouped into classes or occupational groupings and are assigned to a salary grade.

## **A. Job Reclassification**

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## **A. Job Reclassification**

When a position's duties have significantly changed, the Administrative Office, an employee's supervisor, or a manager who is higher in the reporting chain, may initiate a reclassification request to be submitted for administrative review. The employee's supervisor shall complete a position description questionnaire (PDQ) to be reviewed and commented upon by local management, submitted to Personnel for review and necessary investigation, and then to the Court or Probation Administrator for approval. Reclassifications may not be requested more frequently than once a year. It is a supervisor's responsibility to monitor changes in duties and/or responsibilities to maintain appropriate classification assignments.

Any reclassification to a higher salary grade shall result in a salary increase to the minimum permanent rate of the new job classification or 5% above the employee's current salary, whichever is greater. Any reclassification to a lower salary grade may result in a salary decrease of 5% for each salary grade, with no greater than a 20% decrease, unless the rate is more than the maximum rate of the new classification.

*Amended 7-16-03; amended 7-9-15; amended 10-12-16; amended 5-10-17.*

## **B. New Job Classifications**

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## **B. New Job Classifications**

When a proposed new position does not fit within existing job classifications, a supervisor may submit a request for a new job classification, accompanied by a Position Description Questionnaire (PDQ), to Personnel. New classifications will be created and submitted for review by the Court Administrator and Probation Administrator, followed by Supreme Court approval.

*Amended 7-9-15.*

## **12. Temporary Reassignment to a Higher Salary Grade**

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## **12. Temporary Reassignment to a Higher Salary Grade**

An employee temporarily promoted to fill a vacancy, or to fill in for a leave period exceeding 15 working days, shall be paid at least the hiring rate of the salary grade being filled or 5% more than the employee's current salary, whichever is greater. The salary increase may begin on the first day of the temporary promotion but shall begin no later than the 16th day following the temporary promotion. At the end of this temporary promotion, the employee's salary shall be reduced to the amount paid prior to the temporary promotion, except that any salary increases granted during that temporary promotion shall be added back into the employee's base salary. Temporary promotions shall not exceed 1 year unless authorized by the Administrative Office.

*Amended 7-16-03.*

## **13. Salary Administration**

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## **13. Salary Administration**

All salaries, except those of the Counsel for Discipline, the State Probation Administrator, the State Court

Administrator, and the Clerk of the Supreme Court have been placed on salary schedules.

*Amended 7-16-03; amended 7-9-15.*

## **14. Field Salaries (A\* County Court and Probation)**

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## **14. Field Salaries (A\* County Court and Probation)**

\*Applicable to all County Court and Probation Employees other than those probation employees in the Administrative Office.

*Amended 7-9-15.*

### **A. New Employee Salaries**

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### **A. New Employee Salaries**

New employees will usually begin at the Hiring Rate of the salary grade for their job classification. If the individual possesses outstanding qualifications in terms of education, related experience, or bilingual skills, that individual may be started at an increased rate not to exceed the Mid-point of the salary grade. If the starting salary is above the Hiring Rate, the employee will not be eligible for a provisional salary increase and shall be so informed in writing. Any starting salary other than the Hiring Rate of the applicable grade requires the approval of the State Court Administrator or State Probation Administrator based upon the written recommendation of the supervisor. Written recommendations for an increased hiring rate must include the reasons why the applicant should be paid more than the Hiring Rate.

*Amended 3-28-07; amended 7-2-14; amended 7-9-15.*

### **B. Bilingual Employees**

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### **B. Bilingual Employees**

### **(1) Increased Hire Rate for New Employee:**

The State Court Administrator or the State Probation Administrator, upon written justification from the hiring supervisor, may approve an increased hiring rate of 2-5% for a bilingual employee who will use bilingual skills, on average, at least five hours per week, and who has demonstrated bilingual skills of at least an "adequate" level through the Judicial Branch testing process. The need for a bilingual employee and the language skill level demonstrated by testing will be factors in determining the amount of the increased hiring rate. A bilingual employee is expected to perform all duties of the job for which he or she is hired. The supervisor should, as needed, adjust the bilingual employee's workload based on the time the employee may be taken away from his or her duties to assist non-English speaking customers.

### **(2) Increased Pay Rate for Existing Employee:**

The State Court Administrator or the State Probation Administrator, upon written justification from a supervisor, may approve a pay increase of 2-5% for an existing employee who was not offered a premium bilingual hiring rate upon original hire, and who will use bilingual skills, on average, at least five hours per week, and has demonstrated bilingual skills of at least an "adequate" level through the Judicial Branch testing process. The need for a bilingual employee and the language skill level demonstrated by testing will be factors in determining the amount of the pay increase. The bilingual employee is expected to perform all duties of the job for which he or she is hired. The supervisor should, as needed, adjust the bilingual employee's workload based on the time the employee may be taken away from his or her duties to assist non-English speaking customers.

Bilingual employees shall not serve as courtroom interpreters.

*Approved 3-28-07; amended 7-9-*

*15.*

## **C. Rehiring Former Employees**

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## **C. Rehiring Former Employees**

If separated in good standing, a former employee returning to work in the same position within the Supreme Court Personnel System may be rehired at the same rate the employee was receiving when he/she left employment with the Court, except that the rate must not be less than the hiring rate or higher than the Maximum Rate of the current salary grade.

*Approved 7-16-03; amended 7-9-15.*

## **D. Salary Increases Upon Completion of Provisional Period**

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## **D. Salary Increases Upon Completion of Provisional Period**

Unless notified of an extension or separation in writing due to unsatisfactory performance, upon completion of the original provisional period, new employees paid less than the Minimum Permanent Rate of their salary grade will be given a salary increase to the Minimum Permanent Rate of that grade. Employees hired at a salary greater than the Minimum Permanent Rate of their salary grade will not receive a salary increase upon completion of the provisional period. Employees shall be informed of this information in writing when they are hired.

*Amended 7-2-14; amended 7-9-15.*

## **E. Salary Schedule Adjustments**

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## **E. Salary Schedule Adjustments**

The Supreme Court may authorize a general alteration in the salary schedule based upon appropriations made available. When such an "across the board" adjustment is authorized, all employees subject to the salary schedule shall receive an alteration in salary in the amount authorized.

The Supreme Court may authorize specific alterations of job classifications to reflect labor market conditions, based upon salary survey information. When any such alteration is authorized, all employees subject to that job classification shall receive an alteration in salary of the amount authorized on the effective date of the alteration.

Employees shall not receive a longevity increase unless they were already receiving such an increase at the time of this rule amendment.

*Amended 7-9-15.*

## **F. Salary Grade Changes**

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## **F. Salary Grade Changes**

### **(1) Promotions**

Employees who are promoted to a higher salary grade shall be placed at the minimum permanent salary

rate of the new job classification or shall receive a 5% increase, whichever is greater. If the employee being promoted possesses outstanding qualifications in terms of education or related experience, the hiring authority may request additional compensation, not to exceed 20% total, to be approved by the Court Administrator or Probation Administrator. Employees who are promoted shall not be paid above the maximum rate of the new salary grade.

## **(2) Demotions**

Employees requesting voluntary transfers downward shall have their salaries reduced by 5% per salary grade demoted, not to exceed 20% unless the salary is more than the maximum rate of the new salary grade.

Disciplinary demotions require at least a 5% reduction per salary grade or the employee's salary may be reduced to the minimum permanent rate at the supervisor's recommendation, with approval by the Court or Probation Administrator. (See Forms of Discipline.)

*Amended 6-9-04; amended 7-2-14; amended 7-9-15; amended 2-4-16; amended 5-10-17.*

# **G. Part-time Employee Salaries**

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# **G. Part-time Employee Salaries**

All provisions contained within the salary guidelines, except where otherwise stated, shall apply to part-time employees (working under 40 hours weekly). Rates of pay for part-time employees, excluding clerk magistrates and temporary employees shall be calculated on an hourly rate of the applicable salary grade monthly rate.

Part-time clerk magistrates shall be paid a monthly salary proportionate to that which would be paid under full-time employment. Temporary employees shall be paid at the hiring rate of the applicable salary grade.

*Amended 7-16-03; amended 7-9-15.*

# **15. Administrative Salaries (B\*\*)**

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# **15. Administrative Salaries (B\*\*)**

**\*\*Applicable to all Court and probation employees in the Nebraska Supreme Court Administrative Office, and all employees in the Supreme Court Clerk's Office, Reporter of Decisions Office, Career Law Clerks, Administrative Assistants, Staff Attorney Offices of the Supreme Court and Court of Appeals, Office of the Counsel for Discipline, Office of Dispute Resolution and State Library other than the State Court Administrator, the State Probation Administrator, the Clerk of the Supreme Court, and the Counsel for Discipline.**

## **A. New Employee Salaries**

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## **A. New Employee Salaries**

New employees will usually begin at the Hiring Rate of the salary grade for their job classification. If the individual possesses outstanding qualifications in terms of education, related experience or bilingual skills, the hiring supervisor may request the individual be started at an increased hiring rate not to exceed the Mid-point of the salary range. If the starting salary is above the Hiring Rate, the employee will not be eligible for a provisional salary increase and shall be so informed in writing. Any starting salary other than the Hiring Rate of the applicable grade requires the approval of the State Court Administrator or State Probation Administrator based upon the written recommendation of the supervisor. Written recommendations for an increased hiring rate must include the reasons why the applicant should be paid more than the hiring rate.

*Amended 6-27-07; amended 7-9-15.*

## **B. Salary Increases Upon Completion of Provisional Period**

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## **B. Salary Increases Upon Completion of Provisional Period**

Upon completion of the original provisional period, unless notified of an extension or separation in writing, employees paid less than Minimum Permanent of their salary grade must be given a salary increase to Minimum Permanent of that grade. Employees hired at a salary equal to or greater than Minimum Permanent of their salary grade will not receive a salary increase upon completion of the provisional period. Employees shall be informed of this information in writing when they are hired.

*Amended 6-27-07; amended 7-9-15.*

## **C. Salary Changes**

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## C. Salary Changes

The Supreme Court may authorize a general alteration in the salary schedule based upon appropriations made available. When such an "across the board" adjustment is authorized, all employees subject to the salary schedule shall receive an alteration in salary in the amount authorized.

The Supreme Court may authorize specific alterations of salary grades to reflect labor market conditions, based upon salary survey information. When any such alteration is authorized, all employees subject to that salary grade shall receive an alteration in salary of the amount authorized on the effective date of the alteration.

*Amended 7-9-15.*

## D. Salary Adjustments Within Grade

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## D. Salary Adjustments Within Grade

A supervisor may request an in-grade salary adjustment for an employee in exceptional circumstances. Requests shall be reviewed by Personnel Management before being submitted for approval by both the Court Administrator and Probation Administrator.

In-grade adjustments shall not be treated like merit increases. Reasons for such requests may include the following:

1. Internal pay equity within the Judicial Branch for similar jobs with disparity in pay.
2. If hiring above minimum permanent due to superior qualifications causes inequity for current, equally qualified staff.
3. If a single position within a class has unique responsibilities/skill requirements which significantly distinguish it from others in the class but are not sufficient to warrant reclassification.

The reasons for and anticipated consequences of such requests shall be explained in detail and documented. The decision of the Court Administrator and Probation Administrator is final and is not appealable by the supervisor or the employee.

*Amended 7-9-15.*

## E. Salary Grade Changes

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## **E. Salary Grade Changes**

### **(1) Promotions**

Employees who are promoted to a higher salary grade shall be placed at the minimum permanent salary rate of the new job classification or shall receive a 5% increase, whichever is greater. If the employee being promoted possesses outstanding qualifications in terms of education or related experience, the hiring authority may request additional compensation, not to exceed 20% total, to be approved by the Court Administrator or Probation Administrator. Employees who are promoted shall not be paid above the maximum rate of the new salary grade.

### **(2) Demotions**

Employees requesting voluntary transfers downward shall have their salaries reduced by 5% per salary grade demoted, not to exceed 20% unless the salary is more than the maximum rate of the new salary grade.

Disciplinary demotions require at least a 5 percent reduction per salary grade or the employee's salary may be reduced to the minimum permanent rate at the supervisor's recommendation, with approval by the Court or Probation Administrator. (See Forms of Discipline.)

*Amended 6-27-07; amended 7-9-15; amended 2-4-16; amended 5-10-17.*

## **F. Part-time Employees**

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## **F. Part-time Employees**

All provisions contained within the salary guidelines, except where otherwise stated, shall apply to part-time employees (working under 40 hours weekly). Rates of pay for part-time employees and temporary employees shall be calculated on an hourly rate of the applicable salary grade monthly rate. Temporary employees shall be paid at the hiring rate of the applicable salary grade.

*Amended 7-9-15.*

## **16. Pay Periods**

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## **16. Pay Periods**

New employees shall receive their paychecks once a month. For those employees hired before 1986 and

paid every 2 weeks, there are two pay cycles during the year where there are no deductions except for federal and state withholding taxes, Social Security, credit union, and retirement contributions for those employees participating in a retirement system. During these two pay cycles, employees will receive three paychecks in 1 month, the second of which will have no deductions. Deductions for employees paid monthly are made each month. Deductions for employees paid every two weeks are made in two equal amounts each month.

*Amended 7-9-15.*

## **17. Layoffs/Reduction in Hours**

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## **17. Layoffs/Reduction in Hours**

Layoffs are defined as involuntary employee separations or reduction of employees' hours. Layoffs may be necessary for reasons such as elimination or reduction of funds, reduction in the workload, and/or reorganization. The Nebraska Supreme Court decides when a layoff plan is necessary and directs the Administrative Office to develop such a plan.

Layoff plans shall provide as much notice as possible but at least a 15 workday written notice to employees to be laid off.

*Amended 7-9-15.*

## **18. Employee Pay Records**

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## **18. Employee Pay Records**

Employee pay stubs will be available to staff through the State Payroll and Financial Center.

*Amended 7-16-03; amended 7-9-15.*

## **19. Original Provisional Period**

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## **19. Original Provisional Period**

The original provisional period is part of the selection process. It is a time for the employee and the employer to determine suitability for the job. The following shall apply to the use of the original provisional employment status:

1. All new employees, including employees who have left employment with the Supreme Court System and have been rehired, shall serve an original provisional period of 6 months from the date of hire, and shall be so notified.\* Employees who transfer from other state agencies are also required to serve an original provisional period.

\*New employees hired into job classifications requiring extensive initial training periods, or who are granted periods of extended leave early in their employment, may be required to serve an original provisional period of up to 12 months from the date of hire to allow sufficient time for observation of job suitability.

2. An employee will be removed from original provisional status on the day following the end of the original provisional period, unless notified of an extension or separation by the supervisor. Notification of separation or an extension for up to 12 months from the date of hire must be in writing, must be delivered prior to the end of the 6-month period, and must include the performance-related reason for the extension or separation.

3. It is the supervisor's responsibility to closely review the job performance of the employee.

4. If during the original provisional period it is determined that the performance of the employee is not acceptable and, in the opinion of the supervisor, is not likely to become acceptable, the employee shall be separated. Employees may be separated at any time during an original provisional period. Two weeks notice of separation does not have to be given to provisional employees; however, the supervisor shall notify the employee in writing of the date the separation is effective. The reason for separation shall be documented in the employee's personnel file and the employee shall be informed regarding the reasons for separation. Employees who are separated during an original provisional period do not have Nebraska Court System grievance rights.

*Amended 7-16-03; amended 7-9-15; amended 3-21-18.*

## **20. New Position Provisional Period**

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## **20. New Position Provisional Period**

In the case of personnel actions (promotion, lateral move or move to a lower position) employees may be required to serve a new position provisional period and must be informed of this in writing. (Note -- this is not another original provisional period.) This provisional period in no way affects the grievance rights of an employee. The length of the provisional period is at the supervisor's discretion, but shall not exceed six months, beginning on the date the employee begins work in the new position.

If an employee cannot, or does not, perform satisfactorily in the new position, with Court or Probation Administrator approval the supervisor may transfer the employee to another position of either the same salary grade or a lower salary grade. If no other position is available for transfer, the supervisor may reassign the duties of the employee, reclassify the employee to a classification of a lower salary grade or terminate

the employee.

The supervisor shall not be required to utilize the disciplinary process to revert an employee back to the employee's former position, or a vacant position equivalent to the former position's salary grade or to reclassify to a lower salary grade. If termination becomes necessary, the supervisor shall utilize the disciplinary process outlined in this set of rules. The supervisor shall document efforts to provide the promoted employee with performance improvement counseling when utilizing this provision.

*Amended 7-9-15.*

## **21. Office Hours**

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## **21. Office Hours**

Service offices of the county courts, the probation offices, and the offices of the Supreme Court which require public access, e.g., the Library, the Clerk's office, and the Administrative Office, shall be open from 8 a.m. to 5 p.m. daily except Saturdays, Sundays, days on which a specifically designated court is closed by order of the Chief Justice of the Supreme Court, and holidays. Such days shall be designated as non-judicial days. There may be other times when the offices are ordered closed due to special circumstances. Offices of less than three employees may be closed for 1 hour at noon. Local courthouse hours may prevail with approval of the Administrative Office.

When an alternative office-hour schedule has been approved or required by the Supreme Court, the following process shall be followed:

1. That county court shall post the court hours in a prominent location within the courthouse;
2. A voicemail system shall inform callers where a judge or court employee may be reached in case of an emergency; and
3. The county judge shall give written authority to a person or persons within the same courthouse to accept filings during the hours the county court is closed but the courthouse is open.

Requests for alternative schedules shall be sent in writing to the Administrative Office. In the event of a reduced schedule, the salaries of employees of the office will be adjusted on a pro rata basis.

Probation officers are required to have scheduled activities of at least 40 hours each week. Since it is necessary for some officers to work additional hours, some degree of flexibility is allowed in working schedules. Probation officers are expected to keep their immediate supervisor informed as to their whereabouts and general activities.

*Amended 7-16-03; amended 7-9-15.*

## **22. Rest Breaks**

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## **22. Rest Breaks**

Although not required, it is encouraged for supervisors to grant employees fifteen minute mid-morning and mid-afternoon rest breaks per each eight-hour workday. Breaks shall not be combined. Breaks shall not be taken before one hour after the employee arrives at work, or one hour before the employee leaves work. Breaks are considered work time. Scheduling of these periods is at the discretion of the supervisor, based on working conditions.

*Amended 7-16-03; amended 7-9-15.*

## **23. Meal Periods**

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## **23. Meal Periods**

Although not required, it is encouraged for supervisors to grant employees a 30-60 minute unpaid meal period for each workday of six or more hours. A supervisor may require an employee to take a meal period. Meal periods shall not be taken before one hour after the employee arrives at work, or one hour before the employee leaves work. Unlike rest periods, meal periods are not considered work time and are not paid or considered part of the 40-hour work week, unless relief is not available and the employee must work during the meal period. Scheduling of these periods is at the discretion of the supervisor, but the supervisor will attempt schedule the meal period at approximately the middle of a workday.

*Amended 7-9-15.*

## **24. Office Closing**

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## **24. Office Closing**

In inclement weather, employees should use their best judgment in trying to get to work. Employees not choosing to work due to weather conditions must use accrued vacation leave, earned compensatory time, or with supervisor approval may be allowed to make up missed work time within the work week.

If an employee's work site is closed due to inclement weather or other emergency situations, upon approval of the Administrative Office the employee shall be considered to be on a "ready to work" status. This means that the employee is ready and available to work and be called back to work at any time when the work site is re-opened. Employees in this "ready to work" status will be compensated.

*Amended 7-16-03; amended 7-9-15; amended 2-18-16, effective retroactively to 2-1-16; amended 3-18-2020.*

## **25. Workweek and Work Schedule**

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## **25. Workweek and Work Schedule**

The designated workweek shall be from 8 a.m. on Friday to 7:59 a.m. the following Friday. All employees shall be informed of the designated workweek. All Judicial Branch full-time employees shall account for at least 40 hours of work or authorized leave time per workweek. Any leave hours used shall be deducted from an employee's leave balance.

For nonexempt employees, actual hours worked, as well as authorized leave taken, during each workweek shall be recorded on the employee's time sheet and shall be compensated at straight time. Hours worked in excess of 40 hours will be compensated as provided in rule 25(B).

Management sets each employee's work schedule. The workweek and work schedule of each employee shall be documented by each office.

*Amended 7-9-15; amended 5-1-19.*

## **A. Overtime Compensation Eligibility**

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## **A. Overtime Compensation Eligibility**

The Administrative Office shall determine, in compliance with Fair Labor Standards Act (FLSA) requirements, the exempt or nonexempt status of all employees for overtime purposes. The status will be indicated on each job classification description.

(1) Exempt--Employees exempt from overtime include those who meet the FLSA definitions of professional, administrative, computer professional, supervisory, or executive.

(2) Nonexempt--All nonexempt employees must be compensated with compensatory time equal to one and

one-half times the hours worked above 40 in a workweek, unless approved for overtime pay by the Administrative Office.

*Amended 7-9-15.*

## **B. Non-Exempt Overtime/Compensatory Time/On-Call**

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## **B. Non-Exempt Overtime/Compensatory Time/On-Call**

Overtime is considered time in excess of the 40-hour workweek. Leave time (vacation, sick, etc.) shall not be considered as hours worked. Holidays shall be considered as hours worked. Overtime in the Nebraska Judicial Branch shall be held to a minimum, to the extent practicable. A nonexempt employee's schedule should be flexed within the Friday to Friday workweek in order to avoid working over 40 hours. For example, an employee working 2 extra hours on Wednesday may be directed to take 2 hours off on Thursday.

Requests for overtime must have approval from the supervisor prior to the work, unless it is not possible or practical to obtain prior approval, in which case the local manager or his/her designee may approve the overtime in writing as soon as possible subsequent to the time the work was performed.

Nonexempt employees (including part-time employees) working more than 40 hours in one workweek shall receive overtime compensation in the form of compensatory time, granted at one and one-half hours for time worked above 40 hours. Accumulated compensatory time shall be used within 6 months.

In certain situations, Judicial Branch employees may be required to serve on-call after normal business hours off-premise. This is not considered work time if the employee is not engaged in work. Work required to be performed (answering a phone call, responding to an email, reporting to a work site, etc.) during on-call time is considered hours worked and eligible for overtime. For Judicial Branch employees required to be on-call with a workload that prevents flexing of one's schedule (juvenile probation intake or public guardian/conservator statutory responsibilities), overtime compensation may be in the form of overtime pay or compensatory time. The employee must indicate his/her choice of overtime compensation on the timesheet or on a required overtime approval form for the pay period during which the overtime was worked; the first overtime designation made during a pay period applies to the entire pay period. During times of budgetary constraint, overtime pay may be suspended and revert to compensatory time. If this occurs, employees shall be provided a 2-week notice, at a minimum.

It is the responsibility of the supervisor to monitor overtime for an employee. A record of all overtime shall be included on time sheets required by the Administrative Office. Overtime shall be counted in 15-minute increments, with a 7-minute rule applied to rounding. The cutoff point for rounding down is 7 full minutes. If the employee works for 7 full minutes, but less than 8 minutes, time is rounded down. If the employee works at least 8 full minutes, time is rounded up.

Upon proper authorization, an employee may accumulate up to 240 hours of compensatory time, although Judicial Branch management shall require employees to utilize compensatory time well before reaching this threshold, as directed by either the Court Administrator or the Probation Administrator. Compensatory time

earned above 240 hours shall be paid.

Payment for accrued compensatory time upon termination of employment or upon the direction of the Administrative Office shall be calculated at the average regular rate of pay for the final 3 years of employment, or the final regular rate received by the employee, whichever is greater.

Any exception to this policy requires a written request from the supervisor to either the Court Administrator or the Probation Administrator.

*Amended 7-16-03; amended 7-9-15; amended 6-20-2018.*

## **C. Travel Time**

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## **C. Travel Time**

Travel time of non-exempt employees required to attend a meeting, conference, seminar, training course, etc., is considered compensable time. A non-exempt employee traveling for one day (not overnight) shall be paid for all travel time. This travel time is counted when computing hours worked for overtime purposes.

*Adopted 7-16-03; amended 7-9-15.*

## **D. Telecommuting**

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## **D. Telecommuting**

Telecommuting is a mechanism for facilitating the fulfillment of Judicial Branch organizational goals. Telecommuting allows an employee to work from his or her residence or other approved location outside of the employee's regular Judicial Branch office. Telecommuting shall not be used solely as an accommodation for the employee, or a substitute for using official leave.

Telecommuting may be permitted under the following circumstances: (1) occasional/situational circumstances at the discretion of the supervisor with guidance from the Administrative Office of the Courts and Probation; (2) emergency situations where there is a national, state, or locally declared state of emergency or dangerous weather conditions exist prompting an office closure; (3) on a regularly scheduled basis with guidance and approval from the Administrative Office of the Courts and Probation.



For regularly scheduled telecommuting, or an emergency situation that is expected to last for more than 1 week, the supervisor and the employee shall submit a request to telecommute to the Administrative Office of the Courts and Probation for approval and execute a telecommuting or emergency telecommuting agreement. All telecommuting requests and agreements submitted must be prepared and approved by local management, in collaboration with the employee and with final approval by the Administrative Office of the Courts and Probation.

Telecommuting is not a right for any employee, is not available to all employees or positions, may be time-limited, is reviewed at least annually, and may be withdrawn at any time by the supervisor and/or the Administrative Office of the Courts and Probation. Failure to follow the telecommuting agreement may be grounds for discipline and/or revocation of the agreement. Decisions withdrawing telecommuting agreements or denying requests to telecommute are nongrievable.

*Approved June 24, 2020.*

## **26. Authorized Leave**

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## **26. Authorized Leave**

The following are forms of authorized leave: holiday, vacation, sick, funeral, military, civil, family/medical, injury leave, Administrative Office approved "ready to work" status, temporary emergency leave, and official leave of absence.

Authorized leave policies also apply to the Clerk of the Supreme Court and Court of Appeals, the Reporter of the Supreme Court and Court of Appeals, the State Court Administrator, the State Probation Administrator, Supreme Court and Court of Appeals Administrative Assistants, Career Law Clerks, and Non-Career Law Clerks with the Supreme Court or Court of Appeals. These leave policies also apply to official court reporters with some exceptions to the vacation leave policy as set out in the Supreme Court Rules Relating to Official Court Reporters. All full-time employees shall account for at least 40 hours of work or leave time per week.

An absence by an employee not authorized by the employee's supervisor shall be considered as unauthorized leave.

*Amended 5-23-07; amended 7-9-15; amended 3-18-2020; amended 4-8-2020.*

## **A. Holidays**

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## **A. Holidays**

The following is a list of court holidays as stated in Neb. Rev. Stat. § 25-2221:

- ? New Year's Day (January 1)
- ? Martin Luther King, Jr. Day (Third Monday in January)
- ? President's Day (Third Monday in February)
- ? Arbor Day (Last Friday in April)
- ? Memorial Day (Last Monday in May)
- ? Independence Day (July 4)
- ? Labor Day (First Monday in September)
- ? Columbus Day (Second Monday in October)
- ? Veterans Day (November 11)
- ? Thanksgiving Day (Fourth Thursday in November)
- ? Day After Thanksgiving (Friday following Thanksgiving)
- ? Christmas Day (December 25)

If such holiday falls on a Sunday, the following Monday shall be a holiday. If such holiday falls on a Saturday, the preceding Friday shall be a holiday. Other holidays declared by law or proclamation of the Governor are considered court holidays.

Many courthouses will be closed on occasional local holidays as well as court holidays. When the courthouse is closed for local holidays, the court and probation office must remain open and adequately staffed for emergency services and to meet filing deadlines.

Permanent part-time employees shall be eligible for paid holidays on a pro rata basis, if the holiday falls on a day the employee would normally have been scheduled to work, and the pay the employee receives shall be for the number of hours the employee would have been scheduled to work. Full-time employees shall receive holiday leave equal to one-fifth of their normally scheduled workweek for each paid holiday.

Temporary employees, whether full time or part time, shall not be eligible for paid holidays, and, if required to work on a holiday, shall be paid for the time worked at their normal rate of pay.

If a holiday occurs while an employee is on workers' compensation or other disability compensation, no credit for the holiday shall be allowed.

In order to receive pay for an observed holiday, an employee must be in a paid status on the workday immediately preceding and immediately following the holiday.

If an employee combines vacation leave with an observed holiday, no deduction from the vacation leave shall be made for that holiday. Likewise, if a holiday falls within a period of an approved sick leave, no deduction shall be made from the employee's accumulated sick leave.

*Amended 5-23-07; amended 7-9-15; amended 2-4-16.*

## B. Vacation Leave

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## B. Vacation Leave

Full-time employees shall earn vacation leave with pay at the following rates:

<u>YEARS OF CONTINUOUS EMPLOYMENT</u>	<u>HOURS PER CALENDAR YEAR</u>	<u>DAYS PER CALENDAR YEAR</u>
1st through 5th year	96 hours	12 days
6th year	120 hours	15 days
7th year	128 hours	16 days
8th year	136 hours	17 days
9th year	144 hours	18 days
10th year	152 hours	19 days
11th year	160 hours	20 days
12th year	168 hours	21 days
13th year	176 hours	22 days
14th year	184 hours	23 days
15th year	192 hours	24 days
16th year and thereafter	200 hours	25 days

Permanent part-time employees shall be entitled to vacation leave proportionate to that which would be granted under full-time employment. Temporary employees shall not be eligible for vacation time.

The amount of leave earned by each employee is based on the employee's years of continuous employment. For example, during the ninth year of continuous employment, vacation leave is earned at the rate of 1.5 days per month and an employee is eligible to use the earned vacation time in addition to any accumulated time based on the previous year's service. Vacation leave is earned during each pay period and credited to the employee at the end of that pay period. For example, leave earned in October is available to use on the first of November.

Leave that is used is deducted from the employee's accumulated leave one pay period after it is used. It is the responsibility of each employee to monitor the amount of vacation leave available for use. If an employee takes vacation leave before it is earned it will result in the reduction of the employee's wages and possible disciplinary action. Vacation leave must be applied for in advance by the employee and may be used only when approved by the supervisor. However, prior approval is not required when the employee is required to use vacation leave as sick leave or chooses to use vacation leave instead of going on unpaid family/medical leave. Supervisors can only approve vacation leave after it has been earned, unless advanced with the approval of the State Court Administrator or State Probation Administrator, up to a maximum of 40 hours. Vacation leave shall be designated so as not to interfere with the efficient operation of the Nebraska Court System. Vacation leave need not be taken all at one time during the year. All employees must be given the opportunity to take their vacation leave before it expires.

An employee who has terminated employment with the state for any reason other than disciplinary or

retirement and who returns to state employment with the Nebraska Court System within 5 years from the date of termination shall have service for vacation leave entitlement computed by combining prior continuous service with current continuous service, disregarding the period of absence. An employee who transfers to the Nebraska Court System from another state agency will continue to earn vacation leave at the same rate as the employee did with the former agency. No more than 40 hours of accumulated vacation leave may be transferred to the Nebraska Court System with approval from the administrative office. The employee must arrange payment for accumulated vacation leave above 40 hours with the former agency.

Each employee, upon retirement, dismissal, or voluntary separation from Nebraska Court System employment, shall be paid for unused accumulated vacation leave. Upon the death of the employee, the employee's beneficiary shall be paid for all unused accumulated vacation leave.

Vacation leave shall not be earned during a leave of absence or while the employee is removed from the payroll for any reason.

Each employee's vacation leave account shall be balanced as of the closing date of the last pay period of each calendar year. Vacation leave in excess of 35 days shall be forfeited. In special and meritorious cases, when it would cause hardship for any employee to take earned vacation leave before December 31, excess carryover leave may be approved by the Administrative Office. In these cases, the hours carried over shall be used within the next 6 months. In no case shall carryover vacation continue from year to year.

Some employees of the offices of the Supreme Court (staff of the Clerk and Library who were hired before 1980), some probation employees (who either joined the Nebraska Court System in July 1985 or July 1986), and some county court employees (who joined the Nebraska Court System in July of 1985 as a result of legislation merging the municipal and county courts) shall continue on the same leave schedules they were on prior to their becoming employees of the Nebraska Court System.

*Amended 7-9-15.*

# C. Sick Leave

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# C. Sick Leave

Full-time employees earn sick leave at the following rates:

<u>YEARS OF</u> <u>CONTINUOUS EMPLOYMENT</u>	<u>HOURS PER</u> <u>CALENDAR YEAR</u>	<u>DAYS PER</u> <u>CALENDAR YEAR</u>
1st through 5th year	96 hours	12 days
6th year	136 hours	17 days
7th year	144 hours	18 days
8th year	152 hours	19 days
9th year	160 hours	20 days
10th year	168 hours	21 days
11th year	176 hours	22 days

12th year	184 hours	23 days
13th year	192 hours	24 days
14th year	200 hours	25 days
15th year	208 hours	26 days
16th year	216 hours	27 days
17th year	224 hours	28 days
18th year	232 hours	29 days
19th year and thereafter	240 hours	30 days
Maximum Accrual	1440 hours	180 days

Permanent part-time employees shall earn sick leave in an amount proportionate to that which would have been earned under full-time employment. Temporary employees shall not be eligible for sick leave.

Sick leave is defined to mean a period during which the employee is unable to perform his or her duties because of sickness, disability, or injury not arising from the course of employment; or for medical, psychological, surgical, dental, or optical examination or treatment; or when, by reason of the employee's exposure to a contagious disease, the employee's presence at his or her post would jeopardize the health of others.

Sick leave for immediate family is defined to mean a period during which the employee's presence is required to provide medically-related care for a member of the employee's immediate family because of sickness, disability, or injury; or for medical, psychological, surgical, dental, or optical examination or treatment. The immediate family shall be considered as spouse, children, and parents. At the State Court Administrator or State Probation Administrator's discretion, the definition of immediate family may be broadened to include other individuals with a like relationship to the employee as that of an immediate family member. Employees must use vacation time for care of family members when their presence is helpful, but not essential, if approved by the supervisor.

The amount of leave earned by each employee is based on the employee's years of continuous employment. For example, during the ninth year of continuous employment, sick leave is earned at the rate of 1.67 days per month and an employee is eligible to use the earned sick leave in addition to any accumulated time based on the previous year's service. Sick leave is earned during each pay period and credited to the employee at the end of that pay period. For example, leave earned in October is available to use on the first of November.

Leave that is used is deducted from the employee's accumulated leave one pay period after it is used. For example, any leave used in November will be recorded as leave used on the December 31 paycheck information. It is the responsibility of each employee to monitor the amount of sick leave available for use. Sick leave shall not be used as vacation leave. Sick leave cannot be taken in advance, unless approved by the State Court Administrator or State Probation Administrator, up to a maximum of 40 hours.

Sick leave shall be requested in advance from the supervisor whenever possible, i.e., dental appointment or physical examination, etc. In case of sickness, injury, emergencies, or any other absence not approved in advance, the employee shall advise his or her supervisor of the circumstances as soon as possible. If the sickness, injury, or emergency qualifies as family/medical leave the employee should submit a family/medical leave form to Personnel.

Disabilities caused or contributed to by pregnancy, miscarriage, childbirth, and recovery there from are, for all job-related purposes, temporary disabilities and will be treated as such under the rules and regulations for sick leave.

Sick leave shall be taken on a working-hour basis. An employee may be required to submit substantiating

evidence when the reason for the leave request was a medical or dental appointment or when the supervisor suspects sick leave abuse. Substantiating evidence may also be required by the supervisor if the sick leave absence exceeds 3 workdays but is less than 10 workdays and does not qualify for family/medical leave.

Substantiating evidence shall be required by the supervisor if the sick leave absence is 10 workdays or longer and the employee is not on family/medical leave. Sick leave may be denied when the employee fails to substantiate the legitimate use of sick leave. When an employee is absent for 3 or more days or when a supervisor receives information that indicates the reason for the sick leave may qualify as family/medical leave, the employee shall be given a family/medical leave form. Employees shall be required to take family/medical leave concurrently with sick leave if the reason for sick leave qualifies. (See additional information under Family/Medical Leave section.)

Holidays within a period of sick leave shall not be counted as working hours. If an absence because of illness or injury not arising from the course of employment extends beyond the sick leave earned to the credit of an employee, and if the employee is not on family/medical leave, such additional time shall be charged to vacation leave. Sick leave can be used to supplement workers' compensation up to the employee's current salary level extent.

If an employee leaves the service of the Nebraska Court System in good standing and is reemployed within 1 year from the date of separation, sick leave earned during the previous period of continuous employment shall be reinstated to the employee's credit.

An employee who has terminated employment with the state for any reason other than disciplinary or retirement, and who returns to state employment with the Nebraska Court System within 5 years of termination, will have sick leave entitlement computed by combining prior continuous service with current continuous service, disregarding the period of absence. Sick leave is not affected by the transfer of an employee from one state agency to another.

Upon retirement under the existing Nebraska State Employees Retirement System, or upon reaching the age of retirement and voluntarily resigning in good standing, an employee shall be paid one-fourth of unused, accumulated sick leave, with the rate of payment based upon the employee's regular pay at the time of retirement. Upon the death of an employee, the employee's beneficiaries shall be paid one-fourth of the accumulated unused sick leave with the rate of payment based upon the employee's regular pay at the date of death.

An employee who is eligible for retirement and who elects to receive payment for one-fourth of accumulated, unused sick leave upon retirement from Nebraska Court System or any other Nebraska State agency employment, and subsequently returns to the system's employment, shall be considered a new employee without any prior service when determining entitlement to and accumulation of sick leave.

The payment of one-fourth of the accumulated sick leave to an employee is limited to a one-time payment, and no employee, by virtue of reentering state employment, shall become entitled to additional payments for unused sick leave.

Employees may not be compensated for earned sick leave when they are separated from Nebraska Court System employment unless the separation is due to retirement or death.

The sick leave account of each employee shall be balanced as of the closing date of the last pay period of each calendar year. Sick leave in excess of 1,440 hours will be forfeited.

*Amended 5-23-07; amended 7-9-15.*

## **D. Funeral Leave**

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## **D. Funeral Leave**

Up to 5 days of funeral leave may be granted for funerals in the immediate family. In extraordinary circumstances additional leave may be approved by the Probation or Court Administrator. For funerals of persons not in the immediate family, up to 1 day of funeral leave may be granted at the discretion of the supervisor. Immediate family, for purposes of this leave policy, shall mean wife, husband, children, parents, children-in-law, grandchildren, grandparents, brothers, sisters, or those bearing the same relationship to the spouse. Step-persons bearing these relationships are included. At the Court Administrator or Probation Administrator's discretion, the definition of immediate family may be expanded to include other individuals with a similar personal relationship to the employee as that of an immediate family member.

*Amended 7-9-15.*

## **E. Military Leave**

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## **E. Military Leave**

All employees who are members of the Nebraska National Guard or any other reserve component and who participate for up to 15 workdays in drills, encampments, maneuvers, active duty or training, and other exercises prescribed by competent authority, will receive their full pay in addition to their military pay.

Employees who are ordered to active duty by the Governor under emergency conditions will receive the difference between their full state pay and their military pay, provided the military pay is less than their state pay.

Employees, other than temporary and intermittent, who leave a position to undergo military duty in the active service of the State of Nebraska are entitled to a leave of absence for the period of such training or service not to exceed 4 years, and without loss of pay during the first 15 workdays of the leave of absence. This is not in addition to the 15 days mentioned in the paragraph above. When separated from such training or service under honorable conditions, employees are entitled to reinstatement to their former positions with seniority, status, pay, and vacation as if they had not been absent, if application is made within 30 days after release from training or service.

## **F. Civil Leave**

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## **F. Civil Leave**

When an employee is called to serve as a juror or is appointed as a clerk or judge on an election or counting board, the employee is entitled to any fees received as a result of this service in addition to receiving paid civil leave. Employees will return to work when not actually serving as a juror on a daily basis.

If any employee does not have sufficient time before or after regular duty hours to vote, up to 2 hours of civil leave may be granted.

Time spent by employees appearing in court as a function of their job shall be considered as hours worked. Any witness fees and reimbursements received as a result of those court appearances shall be returned to the State.

Employees attending court as a plaintiff, defendant, or witness on non work-related matters may use vacation leave or earned compensatory time, or the Administrative Office may grant a leave of absence. Any witness fees paid to the employee for these court appearances shall be kept by the employee.

Employees who provide proof of their disaster relief volunteer certification with the American Red Cross may, with appropriate supervisory authorization, be granted paid civil leave not to exceed 15 working days in each calendar year to participate in specialized disaster relief services in Nebraska for the American Red Cross, upon the request of the American Red Cross.

*Amended 7-16-03; amended 7-9-15.*

## **G. Family Military Leave Act**

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## **G. Family Military Leave Act**

The Family Military Leave Act was passed by the Nebraska Legislature and became effective on April 5, 2007. In accordance with the act, it shall be the policy of the Nebraska Supreme Court to allow an eligible employee who is the spouse or parent of a person called to military service lasting 179 days or longer, with the State or United States pursuant to the orders of the Governor or President of the United States, to take up to 30 days of unpaid leave.

For purposes of the Family Military Leave Act, an eligible employee is an employee who has at least 12 months of service and has worked for at least 1,250 hours during the 12-month period immediately preceding the commencement of this leave. An eligible employee is the spouse or parent of a person called to military service lasting 179 calendar days or longer. An eligible employee may request up to 30 days of leave without pay. Employees may choose to use accrued vacation leave for some or all of this requested leave.

The employee shall give at least 14 calendar days of notice of taking leave if the leave will consist of 5 or more consecutive workdays. Whenever possible, the employee shall consult with the supervisor to schedule the leave so as to not unduly disrupt the work operations. An employee taking less than 5 consecutive days



shall give the supervisor notice as is practicable. The supervisor may require certification from the proper military authority to verify the employee's eligibility for the family military leave requested.

When the leave ends, the employee must be restored to the position previously held or to a position with equivalent seniority status, benefits, pay, et cetera, except when the supervisor proves the employee is not restored due to reasons unrelated to taking leave.

The employee may continue benefits, during leave, at the employee's expense. The employee's service date will be adjusted after 14 calendar days of unpaid leave.

The act provides that the employee may negotiate with the employer for the employer to maintain benefits at the employer's expense during the leave period. Taking family military leave shall not result in the loss of benefits accrued before the leave started.

*Adopted 11-15-07*

## **H. Temporary Emergency Leave**

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## **H. Temporary Emergency Leave**

In emergency situations resulting from public health, natural, technological, or manmade disasters and/or emergencies, when the federal or state government creates a form of temporary leave available to employees, the Supreme Court may approve such leave as authorized leave.

Such temporary emergency leave shall be available only as long as the federal or state act provides, or as provided by the Supreme Court.

*Approved 4-8-2020.*

## **27. Employee Absent Without Approved Leave**

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## **27. Employee Absent Without Approved Leave**

When an employee is absent from work for longer than 1 workday without having approval for the use of an authorized form of leave, it may be considered that such employee has abandoned his/her job and has resigned not in good standing.

*Amended 7-9-15.*

# 28. Catastrophic Illness Donation Program

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## 28. Catastrophic Illness Donation Program

Employees may contribute accrued vacation leave and/or accumulated compensatory time to a Sick Leave Bank that will be available to benefit another employee of the Nebraska Supreme Court who is suffering from a life-threatening catastrophic illness. Employees may also contribute accrued vacation leave to benefit another State employee in a different agency suffering from catastrophic illness with the agreement of both the receiving agency and the donating agency. Time shall be donated in no less than eight hour increments. The contributing employee must identify the specific amount and type of time on forms provided by the Administrative Office of the Courts for this purpose. Time donated by an employee pursuant to this provision shall be irrevocably added to the Sick Leave Bank. The provisions of this program are nongrievable. (Note: The time an employee receives becomes wages for employment tax purposes.)

Employees who have exhausted their own paid leave because of a bona fide serious illness or injury and who have been absent at least thirty workdays during the past six months may apply for the use of leave that is available in the Sick Leave Bank. Employees who donate vacation leave or accumulated compensatory time to the Sick Leave Bank must sign an authorization indicating such donation.

*Amended 7-9-15.*

### A. Eligibility of Recipient

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#### A. Eligibility of Recipient

1. The employee must be suffering a life-threatening illness or injury resulting in a prolonged absence lasting at least thirty work days during the past six months. An employee may also qualify if his or her child, parent or spouse is suffering from a life-threatening illness or injury resulting in the employee's prolonged absence of at least thirty work days during the past six months. (Note: This program is not intended for use to address ongoing chronic illness.)
2. The employee must produce satisfactory medical verification.
3. The employee must have completed the original provisional period with the Nebraska Supreme Court.
4. The employee must have exhausted all earned paid leave time including compensatory time, sick leave, and vacation leave.
5. The employee must not have offered anything of value in exchange for the donation.
6. No more than 6 months of donated leave may be received by an employee during a 12-month period.

7. At such a time that maximum medical improvement has been reached and the employee remains unable to return to work, the employee will no longer be eligible for catastrophic leave donations.

*Amended 7-9-15.*

## **B. Eligibility of Donor Employee**

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## **B. Eligibility of Donor Employee**

1. Only vacation and compensatory time in increments of 8 hours may be donated.
2. The employee must not have solicited nor accepted anything of value in exchange for the donation.
3. The donating employee must have remaining to his/her credit at least 40 hours of accrued vacation leave, if donating vacation leave.

*Amended 11-13-03.*

## **29. Family/Medical Leave**

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## **29. Family/Medical Leave**

In accordance with The Family and Medical Leave Act of 1993, effective August 5, 1993, it shall be the policy of the Nebraska Supreme Court to allow eligible employees, as defined herein, to take up to 12 weeks of paid or unpaid, job-protected leave (hereinafter family leave) each year for family and medical reasons as specified below. Accumulated sick leave and compensatory time will be required to be used before going on an unpaid leave status. Employees may also choose to use vacation leave after their sick leave is exhausted before going on an unpaid leave status. Total paid and unpaid leave time taken for family leave is limited to 12 weeks within a 12-month period, starting with the date the employee first uses family leave.

Sick leave absences due to a serious health condition of the employee or immediate family member will be counted toward the employee's 12-week-per-year family leave allotment. Employees may use sick leave beyond the 12-week family leave limitation for appropriate sick leave reasons with proper certification from a health care provider.

For purposes of this family leave policy, an "eligible" employee shall mean an employee who has at least 12 months of service and has worked at least 1,250 hours in the 12-month period preceding the start of the leave.

"Job-protected" leave shall mean that upon return from family leave, the employee shall be returned to his or her original position, or to an equivalent position with equivalent pay, benefits, and other terms and

conditions of employment. However, an employee's "service date" (the date used to determine amounts of vacation and sick leave) shall be adjusted when an unpaid absence due to family leave exceeds 14 consecutive calendar days.

An eligible employee shall be entitled to family leave and will be required to use family leave for one or more of the following reasons:

1. the birth of a child of the employee;
2. the adoption of a child or placement of a foster care child with the employee;
3. in order to care for a member of the employee's immediate family (defined as spouse, child, or parent) who has a serious health condition; or
4. a serious health condition of the employee that makes the employee unable to perform his or her job.

An employee must provide at least 30 days' notice to the Administrative Office before family leave is to begin if the need for such leave is foreseeable. Where the need for such leave is not foreseeable, notice must be given as soon as possible and practical. Employees are also required to inform their supervisor of the need for family/medical leave as soon as possible.

The term "serious health condition" means an illness, injury, impairment, or physical mental condition that involves (a) inpatient care in a hospital, hospice, or residential medical care facility, or (b) continuing treatment by a health care provider.

A request for family leave based on the serious health condition of the employee or his or her spouse, child, or parent must be supported by a medical certificate issued by the health care provider of the employee or the employee's family member. The medical certification must include the following information:

1. The date on which the serious health condition commenced and the probable duration of the condition; and
2. The diagnosis of the serious health condition; and
3. A statement containing specific information explaining either:
  - a. why the employee is needed to care for the child, spouse, or parent; or,
  - b. why the employee is unable to perform the functions of his or her job.
4. If the leave is to be intermittent, a statement containing specific information concerning planned medical treatments, including the expected dates and the duration of such treatments.

In addition, upon the employee's return to work after his or her own serious health condition, the employee shall provide the health care provider's "fitness-for-duty" certification only if the absence was due to a job related injury or illness.

If the Administrative Office questions the adequacy of medical certifications referred to above, a second opinion may be required at the Administrative Office's expense, by a health care provider designated by the Administrative Office. If that second opinion differs from the first, a third opinion may be required, at the Administrative Office's expense. The third health care provider must be mutually agreed upon, and the results of the third opinion shall be final and binding.

Records and documents relating to medical certifications, recertification or medical histories of employees or employees' family members, shall be maintained in separate file/records in the Administrative Office and be treated as confidential medical records. Supervisors and managers may be informed regarding necessary

restrictions on the work or duties of an employee and necessary accommodations.

For employees who have accumulated sick leave, the use of family leave will be concurrent with the use of accumulated sick leave when the reason for leave qualifies under the sick leave provision of the Nebraska Supreme Court Personnel Policies and Procedures. An employee may elect to substitute accrued vacation leave for all or part of the unpaid family leave. Nothing in this family leave policy allows an employee to substitute paid sick leave in any situation where the Nebraska Supreme Court Personnel Rules would not normally allow for such paid leave. Based on information provided by the supervisor and the employee, the Administrative Office shall be responsible for designating paid leave as family leave.

The Administrative Office may limit the total paid and unpaid leave which has been designated as family leave to 12 weeks in any 12-month period, beginning with the date the employee begins his or her family leave. Family leave is not cumulative.

Where a Nebraska Supreme Court employee has a spouse working for the court system or a state agency, the Administrative Office, at its discretion, may limit family leave to a combined total of 12 weeks of family leave if such leave is taken for the birth or adoption of a child or placement of a foster child with the employee and his or her spouse.

Family leave may be taken intermittently, after proper notice and medical certification, whenever it is medically necessary to care for a spouse, child, or parent, or when an employee, because of his or her own serious medical condition, is unable to perform the functions of the job. If the need for intermittent leave is foreseeable based on planned medical treatment, the employee is responsible for scheduling the treatment, subject to the approval of the health care provider, in a manner that does not unduly interrupt the employer's operations. When intermittent leave is requested, the employer may require the employee to transfer temporarily to an alternative job, with equivalent pay and benefits, which will better accommodate recurring periods of leave than does the employee's regular position.

Employer health insurance contributions shall continue during an employee's unpaid family leave whenever such insurance was provided before the leave was taken. Employer contributions shall be computed as if the employee had continued to work his or her regular schedule. If the health insurance plan requires employee co-payments, an employee on unpaid family leave must continue to make insurance premium payments to maintain the insurance coverage.

*Amended 7-16-03; amended 7-9-15.*

## **30. Injury Leave and Workers' Compensation**

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## **30. Injury Leave and Workers' Compensation**

### **A. Eligibility**

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### **A. Eligibility**

All employees (including temporary) who are disabled as a result of a job-related injury or disease, which is deemed compensable by Worker's Compensation, may be granted injury leave not to exceed five of the employee's normal working days for any particular injury. Disabled shall mean unable to perform the tasks usually encountered in one's employment due either to any injury or disease or to treatments for any injury or disease. A working day is counted even if an employee is absent for any portion of his or her assigned shift. (For example, if an employee is injured at 3:00 p.m., and misses the final two hours of the work day, the absence will count as one day of the five possible days of injury leave.)

Any job-related injury or disease shall be reported to the Administrative Office as soon as possible. The employee's supervisor is responsible to complete a *First Report of Alleged Occupational Injury or Illness* form. When this form is received from the supervisor, the Administrative Office shall have the responsibility of supplying all of the necessary information to the State of Nebraska Worker's Compensation Administrator.

No employee shall receive a salary (workers' compensation plus regular pay) in excess of his or her normal wage.

Health insurance with the appropriate employer contribution will be paid during an absence under workers' compensation after all accrued leave and compensatory time has been depleted.

If an employee requests or is placed on family/medical leave due to an injury or illness qualifying for workers' compensation, the Administrative Office will contact the State of Nebraska Workers' Compensation Administrator for coordination of workers' compensation and family/medical leave benefits.

*Amended 7-9-15.*

## **B. Use of Sick and/or Vacation Leave to Supplement Workers' Compensation Payments**

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## **B. Use of Sick and/or Vacation Leave to Supplement Workers' Compensation Payments**

Employees being paid workers' compensation for job-related injuries or disease may use sick and/or vacation leave to supplement the payment up to, but not to exceed, their regular rate of pay.

Employees on workers' compensation shall earn sick and vacation leave at the same rate being earned prior to the injury or disease except as provided in these rules. Example: An employee earning 8 hours of sick leave prior to injury shall earn 8 hours of sick leave subsequent to injury.

Holidays occurring during this period will be paid at a rate proportionate to the amount of sick and/or vacation leave being used.

After all sick and vacation leave has been exhausted, employees shall not be entitled to any leave or pay benefits except as authorized under workers' compensation, and shall be carried in a leave-without-pay status while on workers' compensation. This type of leave of absence may exceed 1 calendar year. No service date

adjustment is necessary for this unpaid leave.

For a period of 1 year after the date of disability and upon termination of workers' compensation, and after the physician has released him/her to return to work, the employee shall be reinstated to his/her former classification with no salary reduction. If his/her former position is not available, the Administrative Office shall place the employee in a similar position and may reduce the employee's salary.

After 1 year from date of disability, if the employee has not or is not able to return to work, the Nebraska Court System is relieved from any reemployment obligation and the employee may be terminated.

*Amended 7-16-03.*

## **31. Official Leave of Absence**

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## **31. Official Leave of Absence**

The State Court Administrator or State Probation Administrator may grant employees a single continuous unpaid leave of absence, not to exceed 1 year (except for military service and some workers' compensation cases), when such absences will not interfere with the best interest of the courts. Under unusual circumstances, this time may be extended by the State Court Administrator or State Probation Administrator. Written requests for leaves of absence will be considered after consultation with the employee's supervisor, for such things as temporary disabilities or educational purposes related to the employee's work and benefitting the Nebraska Court System. The leave of absence, when granted, shall be in writing and detail the employment conditions that will be in effect at the end of the absence. Vacation leave shall not be required to be exhausted prior to such requests. If the leave of absence is greater than 14 calendar days, health insurance coverage ends on the last day of the month following the 15th day. Denial of a request for Leave of Absence is nongrievable.

*Amended 7-16-03; amended 7-9-15.*

## **32. Leave for Part-time Employees**

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## **32. Leave for Part-time Employees**

All types of leave are granted in proportionate amounts for part-time employees.

## **33. Advancement of Vacation and Sick Leave**

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## **33. Advancement of Vacation and Sick Leave**

The State Court Administrator or State Probation Administrator, after consultation with the employee's supervisor, may advance vacation leave and/or sick leave to an employee in an amount not to exceed a total of 40 hours (pro-rated for part-time employees). Employees who are serving an original provisional period are not eligible for vacation leave advancement, but may submit a request for an official leave of absence. Employees may be required to reimburse the State for all used unearned vacation and sick leave upon separation or transfer.

*Amended 7-16-03; amended 7-9-15; amended 1-22-20.*

## **34. Record of Leave**

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## **34. Record of Leave**

Each local office shall maintain an attendance record for each employee, accounting for time worked and all absences from work.

## **35. Travel Expenses**

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## **35. Travel Expenses**

Reimbursement will be made only for travel expenses essential to the transaction of official business. Questions regarding allowable expenses should be directed to the Administrative Office. See the Travel Policies section for more details.

## **36. Use and Operation of State Motor Vehicles**

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## **36. Use and Operation of State Motor Vehicles**



Personal use of any state-owned vehicle is prohibited. It is the responsibility of the employee to see that the vehicle is used only for state business.

Any state employee who drives a state-owned vehicle must pass a defensive driving class, and have a valid Nebraska driver's license. The license must be in the employee's possession while operating the state vehicle. All traffic violations are the responsibility of the operator.

*Amended 9-17-03; amended 7-9-15.*

## **37. Outside Employment**

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## **37. Outside Employment**

No employee of the Nebraska Court System shall undertake any employment outside of his or her regular job which is or can be interpreted to be inconsistent with or detrimental to the employee's duties with the Nebraska Court System. Any outside employment must be approved by the Administrative Office.

*Amended 7-9-15.*

## **38. Educational Reimbursement**

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## **38. Educational Reimbursement**

The cost of up to 15 credit hours annually of courses related to the job of an individual may be reimbursed at the rate of 50 percent to 100 percent of the tuition costs. Employees are eligible to apply for tuition reimbursement after they have successfully completed their original provisional period. The course(s) may be on-line or by attendance of classes at a university, college, or vocational or technical school. Job relatedness and the percent of reimbursement shall be determined by the Administrative Office. However, such reimbursement shall not exceed the tuition rate of the University of Nebraska-Lincoln. Such reimbursement is for tuition only and does not include fees or textbook costs.

Application for tuition reimbursement is to be made prior to the start of the course(s) on a "Request for Tuition Reimbursement" form which is available from the Administrative Office. Approval of the request must be secured by the applicant from the immediate supervisor and the Administrative Office.

Upon successful completion of any approved course of study, the applicant shall submit a copy of a class record, a grade, and a receipt for tuition payment which will serve as the documentation for reimbursement of the approved amount. Eligibility for reimbursement requires a course grade of at least "C" or equivalent, or "pass" for pass/fail courses.

Employees who receive tuition assistance may be required to reimburse the Nebraska Court System if they

leave their employment within 1 year of the course completion date.

*Amended 4-23-08; amended 7-9-15.*

## **39. Disciplinary Actions**

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## **39. Disciplinary Actions**

### **A. Reasons for Imposing Disciplinary Actions**

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### **A. Reasons for Imposing Disciplinary Actions**

A supervisor shall take appropriate disciplinary action if an employee commits one or more of the following:

- \*1. Violation of, or failure to comply with, the State's Constitution or statutes; an order of a court; codes of conduct; or published rules, regulations, policies, or procedures of the Nebraska Court System or the State of Nebraska.
2. Failure or refusal to comply with a lawful order or to accept a reasonable or proper assignment from an authorized supervisor.
3. Inefficiency, incompetence, or negligence in the performance of duties.
4. Unlawful manufacture, distribution, dispensation possession or use of a controlled substance or alcoholic beverages in the workplace or reporting for duty under the influence of alcohol and/or unlawful drugs.
5. Negligent or improper use of public property, equipment, or funds, or conversion of same to one's own use.
6. Use of undue influence to gain or attempt to gain promotion, leave, favorable assignment, or other individual benefit or advantage.
7. Falsification, fraud, or omission of required information on the employment application/resume.
8. Unauthorized or improper use of any type of leave, or abuse of meal and rest periods.
9. Repeated tardiness, leave abuse, or unauthorized leave, including unauthorized departure from the work area.
10. Failure to maintain satisfactory and harmonious working relationships with the public or other employees.

11. Failure to obtain and maintain current license or certification required by law or policy as a condition of employment.
12. Conviction of a felony.
13. Repeated failure to make reasonable provision for payment of personal debts which result in more than one garnishment except in cases of court ordered child support payments.
14. Insubordinate acts or language which seriously hampers the Nebraska Court System's ability to control, manage or function.
15. Acts which bring discredit upon oneself, the Nebraska Court System, and the state.
16. Acts or conduct (on or off the job) which adversely affect the employee's performance and/or the Nebraska Court System's performance or function.
17. Workplace harassment based in whole or in part on race, color, sex, religion, age, disability or national origin which manifests itself in the forms of comments, jokes, printed material, and/or unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature.
18. Possession of materials and/or utterance of comments in the workplace that are derogatory toward a group or individual based on race, gender, color, religion, disability, age or national origin.

\*Note: Although county court clerk magistrates are governed by the Nebraska Revised Code of Judicial Conduct, they are disciplined in accordance with the Nebraska Supreme Court Personnel Policies and Procedures.

Employees shall not be disciplined more than once for a single specific violation. However, they may be disciplined for each additional violation of the same or similar nature.

*Amended 7-9-15.*

## **B. Authority and Responsibility to Impose Disciplinary Actions**

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## **B. Authority and Responsibility to Impose Disciplinary Actions**

Responsibility to impose disciplinary action shall be vested in the employee's supervisor. Disciplinary action shall be taken in response to the employee's failure to meet the standards, objectives, or rules of the Judicial Branch. The objective of discipline is to correct or eliminate inappropriate behavior or conduct.

*Amended 7-9-15.*

# **C. Steps for Imposing Disciplinary Actions and Due Process Provisions**

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## **C. Steps for Imposing Disciplinary Actions and Due Process Provisions**

Supervisors are responsible for ensuring due process for employees being disciplined. Prior to beginning the disciplinary process, a supervisor is encouraged to consult with the Personnel Administrator.

The following procedures shall be observed:

### **(1) Investigation**

Upon obtaining information about an incident or performance issue which may warrant disciplinary action, the supervisor will conduct a fair investigation, including allowing the employee to respond to the information which may lead to discipline. Based upon the totality of the evidence and the individual circumstances of the case, the supervisor will make an objective decision whether or not to go forward with the disciplinary process.

### **(2) Notice of Allegations**

If, based on the investigation, the supervisor decides a disciplinary action may be appropriate, the employee shall be entitled to written and oral notice of the proposed allegations against him or her, citing the rule or policy violated and an explanation, including any written documentation of evidence against him or her. The explanation should include a description of the incident or performance issues involved and dates of occurrence to the extent the explanation would not impair the function or operation of the Judicial System or expose the System to legal liability. The employee shall acknowledge receipt of the written notice of allegations by signing the document. The employee's signature does not constitute agreement with the content of the document. If the employee refuses to sign, the supervisor and a witness shall sign a notation of the employee's refusal on the document.

### **(3) Pre-disciplinary Employee Response Meeting (Mitigation Meeting)**

Following receipt of the Notice of Allegations, the employee shall be entitled to an opportunity to present mitigating evidence or present reasons why disciplinary action should not be taken. If the opportunity or explanation is in the form of a meeting, the supervisor shall afford the employee adequate notice as to time, place, and purpose of such meeting. A minimum of 24 hours' notice shall be provided and the supervisor shall make a reasonable effort to reschedule where necessary for sufficient preparation. Upon request the employee shall be allowed representation or may bring a witness.

### **(4) Delivery of the Notice of Discipline or Notice of No Cause to Discipline**

Following the employee's opportunity to provide mitigating evidence, if the supervisor determines disciplinary action is warranted, the employee shall be

- a. advised in writing of the nature of the violation;
- b. advised in writing of the disciplinary action being administered; and
- c. if appropriate, notified in writing of the time allowed for improvement and the consequences (including dismissal) of future violations or failure to improve.

The employee shall acknowledge receipt of the written documentation of disciplinary action by signing the document. The employee's signature does not constitute agreement with the content of the document. If the employee refuses to sign, the supervisor and a witness shall sign a notation of the employee's refusal on the document. A copy of the document shall then be placed in the employee's personnel file and a copy of the document shall be sent to the Administrative Office.

If the supervisor determines there is no cause for disciplinary action, the employee shall be advised in writing that no disciplinary action will be administered.

*Amended 7-9-15.*

## **D. Forms of Discipline**

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## **D. Forms of Discipline**

The following types and levels of disciplinary actions are described in a progressive manner. The steps are intended to allow the employee to correct the behavior prior to the next stage. However, the type and extent of disciplinary action shall be governed by the nature, severity, and effect of the violation; the type and frequency of previous violations; the period of time elapsed since a prior offensive act; and consideration of extenuating circumstances. More severe levels of disciplinary action may be imposed when a lesser action is deemed inadequate or has not achieved the desired results. One or a combination of any of the following disciplinary actions may be imposed. All disciplinary actions shall be in writing, and if more than one action is imposed, they shall be on a single document and imposed at the same time.

### **(1) Written Warning**

This is typically the first level of disciplinary action, appropriate for first incidents and lesser violations where efforts to counsel the employee have not been effective. This action consists of a written record providing in detail the reasons for the warning and advising the employee of the action required to correct the unsatisfactory performance or behavior, the time allowed for improvement, and the consequences of future violations or failure to improve. The employee shall be required to acknowledge receipt and understanding of the warning in writing. Such signature does not imply agreement. If the employee refuses to sign, the supervisor and a witness shall sign a notation of the employee's refusal on the document. A copy of this documentation shall be placed in the employee's personnel file. The employee has the right to file a written explanation or denial.

An employee shall not have a written warning imposed more than once for a single transgression. However, written warnings for each additional act of the same or similar nature may be imposed.

## **(2) Disciplinary Probation**

This level of disciplinary action is appropriate where a written warning was not effective in resolving an issue or for more frequent or serious violations. A disciplinary probation may be imposed for a period of up to six months. This is a designated time period during which the employee must improve. Disciplinary probation may be extended for up to one year with Administrative approval. An extension of disciplinary probation shall be considered as a separate disciplinary action. The imposition of a disciplinary probation is to be accompanied by a written explanation concerning the employee's violation, performance shortcomings, etc., that have caused the action to take place; the action required for improvement if appropriate; the time allowed for improvement and notice that if positive action is not taken to correct the noted deficiencies, dismissal may be imminent. The employee shall be required to acknowledge receipt and understanding of the document by signing the document. If the employee refuses to sign, the supervisor and a witness shall sign a notation of the employee's refusal on the document. A copy of the document shall then be placed in the employee's personnel file.

Employees placed on disciplinary probation may not be promoted or granted any salary increase authorized by the Supreme Court other than the "across the board" increase. The termination of an employee on disciplinary probation does not preclude recourse in the form of the filing of a grievance by the employee.

An employee may be placed on disciplinary probation upon return to work following a suspension without pay providing the employee was so informed when the suspension was imposed. Employees granted leave while serving disciplinary probation, may have their probation extended by the number of days absent on leave. An employee may be removed from disciplinary probation at any time.

## **(3) Suspension Without Pay**

This level of disciplinary action is appropriate where previous disciplinary acts were not effective in resolving an issue and/or for more frequent or serious violations. Suspension without pay may be imposed in conjunction with another form of discipline such as a written warning or disciplinary probation.

Suspension without pay shall not exceed 20 workdays and shall be imposed in writing. The document imposing this form of action shall be dated and shall include the reason for the suspension and the number of days the suspension will last and the effective date(s) of the suspension.

Employees placed on suspension without pay shall not be granted vacation, sick, or holiday leave or unused compensatory time off while in a suspended without-pay status, nor shall they earn vacation, sick, or holiday leave credit during the period of suspension.

If the same or an additional violation is committed while serving the disciplinary probation period, the employee may be suspended without pay as a result of the new violation. In such instances the period of suspension without pay shall not be credited to the original probation period. Upon completion of the period of suspension without pay, the employee shall complete the probationary period plus any additional period of probation imposed as a result of the violation which caused suspension without pay.

The notice of a period of suspension is to be accompanied by a written explanation of the reasons for the suspension and the fact that failure to improve may result in further discipline. The employee shall be required to acknowledge in writing receipt and understanding of such information. If the employee refuses to sign this document, the supervisor and a witness shall sign a notation of the employee's refusal to sign the document. A copy of the document shall then be placed in the employee's personnel file. In cases in which the employee is to be placed on disciplinary probation upon return from suspension without pay, the employee shall be informed of this fact at the time the suspension is imposed.

## **(4) Reduction in Salary Within Salary Grade**

This level of disciplinary action is appropriate where previous disciplinary acts were not effective in resolving an issue and/or for more frequent or serious violations. Supervisors may recommend a reduction in an employee's salary within salary grade as a disciplinary action in consultation with the Administrative Office. Supervisors may recommend restoration of an employee to his/her previous salary when circumstances justify. An employee's salary may be reduced to no lower than the minimum permanent rate of the salary grade.

#### **(5) Demotion**

This level of disciplinary action is appropriate where despite attempts to improve performance, an employee is not successful at doing so, and may be successful in a lower job classification. The employee's duties shall be changed to reflect the new classification. Upon demotion of an employee for disciplinary reasons, the Administrative Office shall reduce the employee's salary a minimum of 5 percent and the salary may not be above the maximum rate of the new salary grade. However, a demoted employee's salary may be reduced no lower than the minimum permanent rate of the new salary grade.

#### **(6) Dismissal**

This level of disciplinary action is appropriate where previous disciplinary acts were not effective in resolving an issue and for the most serious violations, such as theft, physical altercations, law violations, and participating in harassment based on protected class.

Employees dismissed shall be provided with written notice of their dismissal 2 weeks prior to dismissal, or, at the discretion of the Administrative Office, granted 2 weeks' pay in lieu of the 2-week notice where the employee's continued presence in the workplace would potentially be disruptive or otherwise adverse to effective operations.

Employees granted 2 calendar weeks pay in lieu of notice shall not be eligible to accrue sick or vacation leave for the period for which payment in lieu of notice is made.

An employee who commits a violation or an act which endangers or threatens the safety, health, or well-being of another person or persons, or a violation or act which is of sufficient magnitude that the consequences thereof cause irreparable disruption of work presently performed, or to be performed in the future, may be dismissed forthwith and shall not be entitled to a 2-week notice of dismissal or 2 calendar weeks pay in lieu of notice.

*Amended 9-17-03; Amended 12-22-10; amended 7-9-15.*

## **40. Investigatory Suspension**

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## **40. Investigatory Suspension**

Investigatory suspension is not a disciplinary action. An employee who is under investigation either by the Nebraska Supreme Court or other civil authorities for criminal activity or who is alleged to have committed a violation which threatens the safety or health of another person, or a violation of sufficient magnitude that

the consequence causes disruption of work, may be suspended with or without pay based on the nature of the alleged offense.

1. Except as provided below, if no immediate danger would result, a supervisor, before suspending an employee under this section, should attempt to verify evidence with the employee and may afford the employee an opportunity to refute this information or present mitigating evidence. If a meeting takes place, the supervisor shall notify the employee prior to such meeting and shall inform the employee of the purpose of the meeting. The employee shall be notified of the general nature of the investigation. The employee shall not be disciplined for refusing to make self-incriminatory statements regarding alleged wrongdoing.

2. Anytime an employee is arrested or cited for a criminal offense classified as a Class I, IA, IB, IC, ID, II, IIA, III, IIIA, or IV felony or a Class I, II, III, or W misdemeanor, the employee shall immediately be placed on an investigatory suspension with pay.

At such time a prosecuting authority files formal charges against the employee for a criminal offense classified as a Class I, IA, IB, IC, ID, II, IIA, III, IIIA, or IV felony or a Class I, II, III, or W misdemeanor, the investigatory suspension may move from a suspension with pay to a suspension without pay at the discretion of the State Court Administrator. During a period of investigatory suspension without pay, an employee shall not be granted vacation, sick, or holiday leave, nor unused compensatory time off, nor shall the employee earn vacation, sick, or holiday leave credit. The investigatory suspension without pay shall remain in effect until such time as the trial court (not an appellate court) makes a final determination of guilt, the charges are dismissed, or the employee resigns. Resignation will only be accepted until such time as a finding of guilt is entered by the trial court.

As Judicial Branch employees are held to a higher ethical standard, and even the appearance of impropriety can bring discredit upon the Judicial Branch, at any time an employee enters a plea of guilty or no contest to a nonwaiverable offense, or a finding of guilt is entered by the trial court, the employee may be dismissed from his/her employment, at the discretion of the State Court Administrator, in accordance with the Nebraska Supreme Court Personnel Policies and Procedures Manual.

3. Based on the relevant facts acquired in the investigation, if an employee is found not guilty or if no judicial action is taken, the employee may or may not be restored to his/her position. If the employee is reinstated, full pay and service credit for the period of his/her suspension shall be granted.

4. If the investigation shows that disciplinary action should be taken, the supervisor shall initiate disciplinary procedures.

5. An investigatory suspension is a grievable action.

*Amended 9-17-03; amended 7-9-15; amended 5-1-19.*

## **41. Employee Grievance Procedure**

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## **41. Employee Grievance Procedure**

Unless otherwise specified, all employees occupying a permanent position have grievance rights. Applicants, temporary employees, employees serving an original provisional period, private staff of individual judges of the Supreme Court or Court of Appeals, judges, the Clerk of the Supreme Court, the



Reporter of the Supreme Court, the State Court Administrator, the State Probation Administrator, and the district court reporters have no grievance rights within the Nebraska Supreme Court Personnel System.

Covered employees in the system who are aggrieved as a result of management actions resulting in an injury, injustice, or wrong involving a misinterpretation or misapplication of personnel rules promulgated by the Nebraska Supreme Court or policies of a particular county court or probation district may formally grieve such actions.

Supervisors shall ensure that every possible effort is made to resolve grievances at the local level. Employees may ultimately appeal grievances not resolved at the local level to the Supreme Court Personnel Board by following the procedures set out in these rules.

## **A. Nongrievable Issues**

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## **A. Nongrievable Issues**

The Supreme Court Personnel Board has final authority to determine whether or not an issue is grievable and may elect to hear any issue at its discretion. Issues determined to be nongrievable are subject to summary dismissal by the board.

The following issues, when done in compliance with established law, rule or policy, are examples of nongrievable matters. The list below is not to be considered all inclusive:

1. performance evaluations;
2. appointments and hiring selections, including promotions to positions;
3. involuntary transfers with no salary reduction or relocation required;
4. leave of absence and catastrophic illness donation program decisions;
5. position classifications;
6. salary allocations;
7. layoffs or reduction in hours due to elimination or reduction of funds, reduction in the workload, and/or reorganization; and
8. payment of moving expenses.

*Amended 7-9-15.*

## **B. Effects of Grievance on Management Action and Employee Status**

## **B. Effects of Grievance on Management Action and Employee Status**

The filing of a grievance does not delay the effective date of any management action. Filing of a grievance shall not jeopardize the grievant's position, opportunities for advancement, or salary increases. No employee may be coerced by a supervisor or another employee into not proceeding with a grievance or not appearing as a witness at a hearing.

## **C. The Supreme Court Personnel Board**

## **C. The Supreme Court Personnel Board**

The members of the Supreme Court Personnel Board shall be appointed by the State Court Administrator and serve 3-year terms. The Board shall be composed of one county or district judge, one chief probation officer, and one clerk magistrate. The judge member of the Board shall be the chairperson and shall preside over hearings.

A listing of the current Board members' names and addresses shall be available in the Administrative Office.

The authority of the Supreme Court Personnel Board is to determine if any decision regarding a grievance made by the State Court Administrator, State Probation Administrator, or an administrative employee delegated to respond to a grievance was made in good faith and for cause and to ensure that the actions were in reasonable compliance with the Nebraska Supreme Court Personnel Policies and Procedures or relevant state statutes. Decisions made by the Board are final and binding on all parties involved.

A Supreme Court Personnel Board member shall excuse himself or herself in decisions where his or her impartiality might reasonably be questioned, including, but not limited to, instances where the Board member has been a participating party in the grieved action. In the event that a member is excused, the State Court Administrator or State Probation Administrator shall appoint a temporary Board member to serve until a decision is made regarding the grievance.

The Supreme Court Personnel Board has final authority to determine whether or not an issue is grievable and may elect to hear any issue at its discretion. Issues determined to be nongrievable are subject to summary dismissal.

## **D. Grievance Procedure Steps and Time Allowances**

## **D. Grievance Procedure Steps and Time Allowances**

The following are the procedures and time allowances for the official grievance process. If the grievant fails to advance a grievance to any step within these time allowances, the grievance shall be considered discontinued by the grievant and the matter will be considered closed. However, time allowances may be extended by mutual agreement of the parties.

### **(1) Step 1. Presentation of Formal Grievance**

Within 15 workdays of the occurrence of the grieved action (or from the day the employee should have known about the action), the employee shall present a formal written grievance (using the official grievance form) to his/her immediate supervisor. The grievance shall contain a detailed statement of the grievance which indicates the issue involved, the relief sought, the date the incident or violation took place, if known, and the specific rule or policy involved.

### **(2) Step 2. Decision-maker's Reply**

If the immediate supervisor is the person who made the decision causing the grievance, that supervisor may discuss it with the grievant. The supervisor shall prepare a written reply on the grievance form to the grievance within 5 workdays of receiving the grievance. If the immediate supervisor did not make the grieved decision, he/she shall note that fact on the grievance form, sign it, and forward it to the person who made the decision within 2 workdays, skipping any levels of intermediate supervision.

The supervisor who made the original decision causing the grievance may discuss the grievance with the grievant, shall reply in writing (on the grievance form or an attachment) to the grievant within 5 workdays after receiving the grievance, and shall be responsible for consulting with all necessary levels of supervision in the preparation of the written response to the grievant.

If a supervisor in Step 2 of the Grievance Procedure fails to respond to the grievant within the specified time periods, the grievance shall be considered denied, and the grievant may proceed with his/her grievance to the next step.

### **(3) Appeal to the Administrative Office**

If dissatisfied with the decision-maker's reply, the grievant has 5 workdays from receipt of the reply to appeal the decision to the Administrative Office. The State Court Administrator, the State Probation Administrator or a delegated person in the Administrative Office shall issue a decision in writing to the grievant as soon as possible.

### **(4) Appeal to the Supreme Court Personnel Board**

If the grievant wants to appeal the decision from the Administrative Office to the Supreme Court Personnel Board, that appeal using the grievance form must be filed with the chairperson of the Board within 5 workdays of receipt of the administrative decision. Upon receipt of the appeal, the chairperson shall provide written notification to the involved parties that an appeal has been filed. The written appeal to the Supreme Court Personnel Board must set forth alleged facts in sufficient detail for the Board to decide if a misinterpretation or misapplication of the Nebraska Supreme Court Personnel Policies and Procedures has possibly occurred and whether an evidentiary hearing is necessary. If the Board decides that the appeal does

not meet these criteria, an evidentiary hearing may not be granted and the appeal will be dismissed without prejudice. If the appeal is dismissed without prejudice and the grievant wishes to amend the appeal, the amendment must be filed within 10 workdays of receiving notice of dismissal. Amended appeals not filed with the Board within the 10-workday limit will be dismissed.

When a grievance appeal is properly submitted and the Supreme Court Personnel Board determines that the issue includes a possible misinterpretation or misapplication of the Nebraska Supreme Court Personnel Policies and Procedures, an appeal hearing will be scheduled. The chairperson of the Board shall notify all parties of the time and place of any appeal hearing. A copy of the appeal shall be provided to the affected staff member in the Administrative Office.

The Supreme Court Personnel Board shall hold a hearing on as early a date as is possible or inform all parties that the issue is not grievable.

The Supreme Court Personnel Board may order a pre-hearing conference prior to the grievance hearing to clarify the issues to be heard, the number of witnesses, the evidence to be presented, and other procedural details determined by the Board; or the Board may issue a pre-hearing order requiring the parties to mutually resolve such matters prior to the hearing. Failure by either party to appear at a pre-hearing conference or to respond timely to a pre-hearing order may bind that party to the issues, witnesses, and evidence submitted by the opposing party, or to those established by the Board, which shall control the presentation of issues, witnesses, exhibits, etc., during the hearing. The Board shall designate which party shall go first in the presentation of evidence.

The Supreme Court Personnel Board shall conduct the grievance hearing and rules of evidence shall not apply unless requested by either party. Such request shall be made in writing at least 3 workdays prior to the holding of the hearing. The hearing shall be recorded on four-track audio recording equipment.

Either party may present witnesses and/or written data. If either party wishes to use any employee of the Nebraska Court System as a witness in the presentation of his/her case, he/she shall request the Board, through the State Court Administrator or the State Probation Administrator, to require the attendance of the witness. The request for an employee's appearance must be submitted to the chairperson of the Board at least 8 workdays prior to the hearing. Notice of less than 8 workdays shall not guarantee employee attendance. A written requirement of attendance of an employee shall be prepared by the Administrative Office and sent to the employee whose attendance is required at least 4 workdays before the scheduled hearing. The Board may limit the number of witnesses either party may call to testify by considering relevancy of proposed testimony and whether or not it would be repetitious.

Employees of the Nebraska Supreme Court who are required to attend an appeal hearing shall be granted time off from their assigned duties to appear. All hours of attendance, including travel time, shall be considered work time. Reimbursement will be made for allowable expenses.

The Supreme Court Personnel Board may request opening and/or closing statements from both parties in the grievance hearing. The parties may be requested to submit summary briefs at a mutually agreed upon date subsequent to the hearing.

All parties involved with a grievance appeal hearing may present their cases either personally or through their authorized representative. Each party is responsible for any attorney costs incurred in presenting his/her case.

In the event that one party fails to appear at the grievance hearing scheduled by the Supreme Court Personnel Board, a default judgment shall be entered unless the party who failed to appear shows good cause for having failed to appear within 5 workdays after the hearing date. The chairperson of the Board will provide written notification of a default judgment to all parties.

At any time during the grievance procedure, the parties may reach a settlement and thereby terminate the

process. The settlement must be in writing and is binding on both parties. The settlement must be signed by both parties and shall include a statement that neither party will pursue the matter further as long as settlement agreements are followed. At this point the grievance will be considered to be resolved. If either party fails to abide by the settlement, the violation may be grieved beginning at the local level.

*Amended 7-9-15.*

Employee Formal Grievance Form

## **E. Discovery Process**

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## **E. Discovery Process**

At any time after a formal grievance has been properly filed, the employee and/or the Administrative Office may obtain discovery regarding any matter not privileged that is relevant to the subject matter involved in the pending appeal by utilization of one or more of the following methods: requests for depositions, requests for interrogatories, requests for production of documents or things, requests for permission to enter appropriate offices for the purpose of inspection and/or requests for admissions. Unless the Supreme Court Personnel Board rules otherwise, the frequency of use of these methods is not limited. All discovery requests are subject to the following provisions:

1. Requests for discovery shall be addressed to the party from whom the discovery is sought, with a copy addressed to the Supreme Court Personnel Board through the Administrative Office. such requests shall be sufficiently in advance of the scheduled hearing to allow for the accommodation of the time lines established below.
2. Responses to discovery requests must be provided within 10 workdays of receipt of request, unless objections are entered. Objections to such requests may be made only to the chairperson of the Supreme Court Personnel Board and must be made within 5 workdays of receipt of the request. The chairperson shall affirm or deny such objections within 10 workdays of receipt of the objections and shall establish time limits for response when objections are denied.
3. Within 5 workdays of the receipt of the discovery requested, the requesting party shall notify the answering party of any failure on the part of the answering party to properly respond to the request.
4. Except where objections to discovery requests are sustained, the failure to respond to any discovery requests may result in the answering party being denied the right to introduce the requested evidence or such other remedy as is deemed appropriate by the chairperson.

A copy of the Supreme Court Personnel Board's decision shall be forwarded to the parties involved. The original decision and all documents relating to the grievance shall be filed in the Administrative Office.

*Amended 9-17-03.*

## **42. Resignations**

## **42. Resignations**

To resign in good standing, an employee must give written notice to his/her supervisor or the Administrative Office at least 10 workdays before separation, unless otherwise agreed.

*Amended 9-17-03.*

## **43. Bonding**

## **43. Bonding**

Employees are bonded under the state blanket bond for all state employees. Individual bonds are not required. The state is protected up to one million dollars.

## **44. Public Safety Officer's Benefits Act**

## **44. Public Safety Officer's Benefits Act**

On September 29, 1976, the federal Public Safety Officer's Benefit Act was signed into law, providing payment of a \$50,000 death benefit to survivors of state and local public safety officers who have died as a direct and proximate result of a personal injury sustained in the line of duty. The benefit was increased from \$50,000 to \$100,000 for deaths occurring on or after June 1, 1988. Beginning on October 1, 1988, and on each October 1st thereafter, the benefit will be adjusted by the percentage of change in the Consumer Price Index. Eligible public safety officers includes probation officers.

## **45. Relocations**

## **45. Relocations**

When an employee is requested to change locations for the benefit of the Nebraska Court System, moving

expenses may be paid. Three estimates will be required by the Administrative Office and approval must be received prior to the move. Such moving allowances are subject to withholding and an IRS Form 4782 will be furnished to the employee by the Administrative Office.

## **46. Firearms**

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## **46. Firearms**

Employees including probation officers and constables are not allowed to carry firearms in the performance of their duties, and no firearms will be kept in court or probation offices or in state cars.

## **47. Employee Dress**

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## **47. Employee Dress**

### **A. Purpose**

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### **A. Purpose**

The purpose of this policy is to establish basic guidelines for appropriate work dress for employees of the Nebraska Judicial Branch. In an effort to maintain a professional appearance as an employee of the Nebraska Judicial Branch, staff shall be well groomed and shall present an appropriate image commensurate with the status and dignity of the office. Attire shall be in good taste and reflect the requirements of the job and the working conditions. Employees have frequent public contact, and their appearance and demeanor convey an impression of the court system. The purpose of this policy is to promote a positive image of the Nebraska Judicial Branch, but also to allow for considerations of safety, job requirements, and the work environment. Personal neatness, cleanliness, and appropriate attire provide an atmosphere of professionalism and inspire confidence in an employee's ability to deliver services.

*Amended 11-10-21.*

### **B. Applicability**

## B. Applicability

This policy applies to all employees of the Nebraska Judicial Branch operating in court, probation, public guardian, and administrative offices and includes interns, volunteers, contract employees, temporary employees, and grant-funded positions. The various offices may have unique operating needs such as public contact and court appearances, and thus, local offices may establish more stringent requirements based on those needs. At no time may an office establish lower standards than those set forth herein, except as needed in individual cases of safety or work needs.

*Amended 11-10-21.*

## C. Policy

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## C. Policy

### (1) Definitions

**Professional Attire:** Professional attire means employees shall dress in a conventional businesslike manner; appropriate professional attire includes dresses, skirts, dress slacks, pantsuits, collared shirts, ties, suits, or sport coats. Dress shoes are required.

**Business Casual Attire:** Business casual attire means employees may dress in khakis or similarly styled pants, shirt, and dress shoes. Shirts should have a collar or finished edge. Capri or "Gaucha" pants may be worn if they are no shorter than mid-calf length and are worn in the same manner as dress slacks, i.e., with a jacket or dress shirt.

**Casual Attire:** Casual attire shall consist of jeans, a collared shirt with a Nebraska Judicial Branch approved logo or similar shirt, and casual shoes, which may include tennis shoes. Shorts or hats are not permitted unless specifically authorized by the Administrative Office of the Courts and Probation to be worn in conjunction with community activities occurring outside, on weekends, or as other conditions warrant.

Field Work is defined as visitations to homes, other places of residence, hospitals, treatment facilities, schools, places of employment, community service sites, nursing homes, or similar locations.

### (2) Courtroom and Other Professional Activities

Professional attire is required in court and when participating in or attending other professional activities in which an employee is representing the Nebraska Judicial Branch.

### (3) Office Staff not Required to Attend Court



Business casual attire is acceptable when not required to attend court. Business casual attire is required while conducting business during the course of the day and for field work unless otherwise specified per subsection (5) of this policy.

#### **(4) Specific Designations for Casual**

Casual "jeans" or "denim" days are permitted not more than one day per month at the discretion of the presiding judge, chief probation officer or the division head within the Administrative Office of the Courts and Probation. Additional days may be granted at the discretion of the State Court Administrator or the State Probation Administrator.

#### **(5) Field Work**

Business casual attire is required during field work unless the location or purpose of the visit warrants a more casual attire. Such more casual attire shall be pre-approved and appropriate for the type of field work being performed. No sandals or open-toed shoes may be worn for field work.

Unless otherwise prevented from doing so, body armor shall be worn under clothing or concealed from public view. At all times, probation officers shall present themselves in appearance as officers of the Court, not as law enforcement officers. Battle dress uniforms (BDUs), "raid-type" jackets, or similar clothing with law enforcement identifiers may be worn only in conjunction with conducting a search or field visits in conjunction with law enforcement.

#### **(6) Training Events**

Trainers/presenters/trainees are expected to present themselves in professional or business casual attire while attending or conducting training and providing education. Casual attire is permissible while attending a training or educational event only when specifically designated and as approved by the Administrative Office of the Courts and Probation.

#### **(7) Unacceptable Attire**

The following is a list of unacceptable attire, not to be considered inclusive, although it is subject to modification by a supervisor or management and the limited exceptions detailed elsewhere in this policy.

- Tank tops, spaghetti-strap tops, strapless tops, or any top that does not completely cover the midriff area.
- Clothing with noticeable wear, including ripped, frayed, dirty, or wrinkled clothing.
- Stretch pants or leggings worn without skirts, dresses, cardigans, and/or long tops.
- Sweat pants, warm-ups, or other athletic clothing.
- Flip-flop sandals, slippers, or Crocs.
- Clothing which is excessively tight, short, low-cut, revealing, or sheer.

#### **(8) Other Considerations**

Drug technicians, substance use monitors, or others serving a majority of their time in similar roles are permitted to wear scrubs or other suitable attire while performing assigned duties while in the lab/office.

Tattoos which by slogan and/or design imply negative connotation shall be concealed at all times during working hours.

Jewelry and other accessories shall not present a safety hazard nor be offensive to clients and co-workers.

1. Jewelry shall not be functionally restrictive or excessive.
2. Jewelry which, by its slogan, and/or design, implies a negative connotation is prohibited.

Body Piercings: Excessive body piercing in nontraditional areas of the body may distract from the normal course of business, and therefore, such piercings shall not be visible.

1. The normal wearing of earrings in the earlobe and/or a small, single "stud" in a nostril is acceptable. Although an employee may have parts of his or her body pierced, all other piercings shall be covered by clothing. The wearing of ear gauges is not permitted.
2. All staff is advised to consider safety precautions in their choice of clothing, jewelry, and shoes.
2. An employee may request an exemption to parts of these standards based on legitimate medical, religious, or cultural practice.

#### **(9) Special Occasion Exceptions**

Costumes, holiday specific outfits, or other special event outfits are acceptable for predetermined special occasions/holidays upon preapproval from the presiding judge, chief probation officer, the State Court Administrator, or the State Probation Administrator.

#### **(10) Action to be Taken or Sanctions for Inappropriate Dress**

A supervisor may require an individual employee to change clothes in the event that an employee's attire does not fit the above criteria. The time required to change such clothes may be considered an official leave of absence without pay for the employee. Subsequent violations may be cause for disciplinary action.

*Amended 11- 23-11; amended 11-10-21.*

## **48. Political Activity**

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## **48. Political Activity**

An employee shall not participate in political activities while performing official state duties.

An employee shall not use their state job to distribute or receive political favors.

If an employee's position is partially or entirely funded with federal money, the employee is covered by the federal Hatch Act and is barred from being a candidate for a partisan office (offices with candidates identified as being from specific political parties).

For employees covered by these rules and also covered by the Hatch Act, the federal agency responsible for administering the Hatch Act should be consulted for specific restrictions on these employees. The agency responsible for administering and investigating violations of the Hatch Act is the Office of Special Counsel of the U.S. Merit Systems Protection Board, 1120 Vermont Ave., N.W., Washington, DC 20419.

If an employee wishes to take part in political activities during normally scheduled work hours, the employee must arrange for leave (vacation, leave without pay, etc.) to cover the period of absence.

If an employee is elected to office, and such office presents a conflict of interest with the employee's job, or interferes with the employee's scheduled work hours, the employing agency has authority to change the terms and conditions of employment, up to and including termination of employment.

*Amended 9-17-03.*

## **49. Employee Performance Report**

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## **49. Employee Performance Report**

Employee performance reports shall be prepared for all employees on forms developed and/or approved by the Administrative Office. An evaluation conference with the employee shall be conducted by the employee's immediate supervisor.

### **A. Frequency**

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### **A. Frequency**

Reports shall be prepared (1) upon completion of the original provisional period, (2) at least on an annual basis with the date to be determined by the local office, (3) as a subsequent report after the issuance of a report of performance less than satisfactory (such subsequent report may not be done less than 90 days after the previous report), and (4) on occasions when the supervisor desires to record performance worthy of recognition, either favorable or unfavorable. Reasons for submission of this type of report shall be explained in the report.

### **B. Administration**

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### **B. Administration**

After completion of the written report, it is recommended that the report be reviewed by the evaluator's supervisor(s) prior to discussion with the employee.

Performance reports shall then be discussed with the employee, who shall have the right to add his/her comments. These comments shall be submitted within 30 calendar days of the date of the report. The signing of the performance report form of the employee does not signify the employee's agreement with the content, but only that he/she has seen the performance report, that it has been discussed with the employee, and that the employee has been given an opportunity to comment. The evaluator should sign and date the performance report. If the employee refuses to sign, the supervisor and a witness shall document the employee's refusal on the employee's performance report.

Each employee shall receive a copy of his/her performance report. A copy of each performance report shall be included in the employee's personnel file and a copy sent to the Administrative Office.

*Amended 9-17-03.*

## **50. Personnel Records**

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## **50. Personnel Records**

### **A. Accessibility of Records**

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### **A. Accessibility of Records**

Information concerning an employee's or former employee's name, position, gross salary, date of hire, date of separation, and location where employed shall be considered public information. Any other information contained in an employee's personnel file shall not be released to any requesting party unless the employee has signed a release authorization, or if a legal warrant has been served requesting such information.

### **B. Records to be Maintained**

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### **B. Records to be Maintained**

Each supervisor shall maintain the following personnel records:

1. Individual employees' monthly records of vacation, sick, and other leave taken and overtime hours earned on a time sheet for all full-time employees or a time card for part-time and temporary employees;

2. Job description/classification for each employee;
3. Record of salary;
4. Copies of all personnel transactions pertaining to individual employee; and
5. Employee performance report(s).

Former employees' personnel files may be destroyed five years after the employees' separation date. A brief file or information card shall be retained containing former employees' dates of employment and rate of pay.

Employees shall have the right to review their personnel file maintained at the employees' place of employment during regular office hours. Review may be done in the presence of a supervisor.

Documentation (including performance reports) which reflects unfavorably on an employee or former employee shall not be placed in their personnel file without their knowledge.

Employees or former employees have the right to file a written rebuttal within 30 calendar days from date of notice to any item placed in their personnel file with the exception of grievances settled in accordance with Supreme Court Grievance Procedures. This written rebuttal shall be placed in their personnel file.

No negative documentation shall be placed in an employee's file after the dismissal, resignation or retirement of the employee unless the former employee is notified. Exceptions are reports, letters or documents originated and signed by the employee.

*Amended 9-17-03.*

## **51. Confidentiality**

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## **51. Confidentiality**

The employees of the Nebraska Court System must be concerned with the area of confidentiality because of the nature of some of the information handled by the judicial system. Some of the information in the courts is public information and it is the duty of many employees to help provide this kind of information to those requesting it. Employees are also exposed to some information that must be held in the strictest of confidence and must never be released unless it is absolutely certain that it is appropriate. There are several sections of the state and federal law which refer to various types of confidentiality and penalties involved for not adhering to those policies. With the supervisor's guidance, all confidential information should be kept in a secure place not readily accessible by other persons.

If employees have questions pertaining to confidentiality and do not know whether a certain piece of information can be released, the employee should ask his/her immediate supervisor.

# Other Personnel-Related Policies \*

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## Other Personnel-Related Policies \*

\* The Furlough Policy and the Use of Social Media Policy are separate from the Nebraska Supreme Court Personnel Policies and Procedures and apply equally to all employees of the Nebraska Supreme Court. These include all employees in the county court system, the probation system, the Reporter's Office of the Supreme Court and Court of Appeals, the Clerk's Office of the Supreme Court and Court of Appeals, the Administrative Office of the Court/Probation, the Office of the Counsel for Discipline, and the State Law Library. These policies also apply to the State Court Administrator; the State Probation Administrator; the Clerk of the Supreme Court and Court of Appeals; the Reporter of the Supreme Court and Court of Appeals; all private staff of the Supreme Court and Court of Appeals, including administrative assistants, career law clerks, and law clerks; the staff attorneys of the Supreme Court and Court of Appeals; all court reporting personnel; and any other employee of the Nebraska Supreme Court.

*Adopted 9-17-03; amended May 23, 2012; amended November 24, 2021, effective January 1, 2022*

\* The Workplace Harassment Policy, Drug-Free Workplace Policy, and Travel Policies are separate from the Nebraska Supreme Court Personnel Policies and Procedures and apply equally to all officers and employees of the Nebraska Supreme Court. These include all officers and employees in (1) the county court system, (2) the probation system, (3) the Reporter's Office of the Supreme Court and Court of Appeals, (4) the Clerk's Office of the Supreme Court and the Court of Appeals, (5) the Administrative Office of the Supreme Court, (6) the Office of the Counsel for Discipline, and (7) the State Law Library. These policies also apply to (1) the State Court Administrator; (2) the State Probation Administrator; (3) the Clerk of the Supreme Court and Court of Appeals; (4) the Reporter of the Supreme Court and Court of Appeals; (5) the Counsel for Discipline; (6) the justices of the Supreme Court, judges of the Court of Appeals, and all private staff of the Supreme Court and Court of Appeals, including administrative assistants, career law clerks, and law clerks; (7) the staff attorneys of the Supreme Court and Court of Appeals; (8) all district court judges and their court reporting personnel; (9) all juvenile court judges and their court reporting personnel; (10) all county court judges; (11) all Workers' Compensation Court judges; and (12) any other court officer or employee subject to the Nebraska Revised Code of Judicial Conduct.

*Amended 9-17-03; amended 12-22-10, effective 1-1-11; amended November 24, 2021, effective January 1, 2022*

## 1. Furlough Policy \*

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## 1. Furlough Policy \*

(\* Note: See explanation under Other Related Policies.)

Furlough is involuntary leave without pay for a preset number of hours during one or more pay periods. No paid leave times shall be taken by an employee during a furlough.

If the Supreme Court deems it necessary to deviate from the standard workday or standard workweek due to shortage of funds, the Administrative Office shall submit a proposed furlough plan to the Supreme Court.

The furlough plan to be submitted to the Supreme Court shall specify:

1. The purpose of the furlough.
2. The job classifications, specific offices, funding sources, or any combination thereof affected by the proposed plan.
3. The criteria used to select the classification, specific offices, funding sources, or any combination thereof included in the furlough.
4. The approximate duration of the proposed furlough.
5. The preset number of hours during one or more pay periods that will be reduced.
6. The estimated cost savings generated by the proposed furlough.
7. Any other information requested by the Supreme Court.

After approval by the Supreme Court of a furlough plan, the Administrative Office shall notify appropriate supervisors of the affected offices. The supervisor shall notify employees affected by the furlough plan.

An employee's accrual of vacation and sick leave will continue during furlough periods at otherwise authorized rates notwithstanding other rules to the contrary. Social Security and retirement contributions shall be reduced in proportion to the reduction in the employee's gross pay. Such furloughs shall not affect an employee's health insurance, continuous service, length of service, or eligibility for authorized holiday compensation or longevity increases.

A furlough shall not be used as a disciplinary action against an employee.

*Adopted 3-12-03*

## **2. Use of Social Media \***

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## **2. Use of Social Media \***

(\* Note: See explanation under Other Related Policies.)

The purpose of this policy is not to restrict the flow of useful and appropriate information, but to minimize the risk to the Nebraska Supreme Court and its employees. The Nebraska Supreme Court recognizes the growing importance of online social media networks as a communication tool and respects the right of

employees to use these mediums during their personal time. Use of these mediums during working hours or on work equipment, however, should be kept to a minimum and shall not interfere with the conduct of state business.

The Nebraska Supreme Court takes no position on employees' decision to participate in the use of social media networks. However, employees who participate in social media may include information about their work with the Nebraska Supreme Court as part of their personal profile, as it would relate to a typical social conversation. This may include:

- Work information such as work location, job title, and job duties.
- Status updates regarding an employee's own job promotion.
- Personal participation in court activities and sponsored events, including volunteer activities.

In general, employees who participate in social media are free to publish their own personal information without censorship by the Nebraska Supreme Court.

All employees are responsible for maintaining the Nebraska Supreme Court's positive reputation and presenting the Court in a manner that safeguards the positive reputation of themselves, as well as other employees and judges.

If an employee chooses to identify himself or herself as a court/probation employee on any social media network, he or she must state in clear terms that the views expressed are the employee's alone and that they do **not** reflect the views of the Nebraska Supreme Court. Employees are prohibited from acting as a spokesperson for the Nebraska Supreme Court or posting comments as a representative of the Court.

There are some types of information employees are not permitted to discuss or display online, including:

- Information that is confidential or proprietary to the Nebraska Supreme Court, or to a third party that has disclosed information to the Court. For example: information about or identifying coworkers, judges, court cases, or parties in a case.
- Statements disparaging the Nebraska Supreme Court, judges, attorneys, or coworkers.
- Nebraska Supreme Court's seal on any social media network. Also, images of coworkers, judges, and court or office premises and property.
- Statements, comments, or images referencing illegal drugs or that include profanity or could be considered obscene.
- Statements, comments, or images that disparage any race, religion, gender, sexual orientation, disability, or national origin. Also, any communication that engages in personal or sexual harassment, unfounded accusations, or remarks that would contribute to a hostile work environment (racial, sexual, religious, etc.), as well as any behavior not in agreement with any Nebraska Supreme Court codes of conduct or personnel policies.

The nature of any social media posting and degree of harm to the Nebraska Supreme Court will be factors in determining whether discipline will be imposed and the severity of any such discipline, up to and including termination of employment.

*Adopted 05-23-12*



## **3. Workplace Harassment Policy \***

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## **3. Workplace Harassment Policy \***

It is the policy of the Nebraska Court System that all its officers, employees, and the recipients of its services be treated fairly and equally, with dignity and respect.

Accordingly, any court system officer or employee who, while on court system or related premises, engages in sexual harassment or in any manner utters, circulates, or publishes any inflammatory comment, joke, or innuendo based in whole or in part on race, color, religion, gender, age, disability, or national origin, when such

- (1) has the purpose or effect of creating an intimidating, hostile or offensive working environment, or
- (2) interferes unreasonably with one's work or employment opportunities or with the receipt of services, shall be deemed to have engaged in workplace harassment and shall be subject to appropriate discipline.

Any officer or supervisor who knowingly permits an employee to engage in such harassment shall also be subject to appropriate discipline.

For the purpose of this policy, "sexual harassment" shall be defined as any unwelcome sexual advance, request for sexual favors, and either verbal or physical conduct of a sexual nature when:

- (1) submission to such conduct is made, either explicitly or implicitly, a term of an individual's employment or a condition of an individual's receipt of court services, or
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment or court system decisions affecting an employee or recipient of the court system services; or
- (3) such conduct, whether welcome or unwelcome, has the purpose or effect of unreasonably interfering with an employee's work performance or with an individual's receipt of court services, or of creating an intimidating, hostile or offensive environment.

Any officer or employee who believes that he or she has been the subject of workplace harassment is encouraged to report the alleged incident immediately to the Administrative Office which shall process complaints in a timely and confidential manner. Supervisors should contact the Administrative Office whenever they have information regarding a possible violation of this policy. Complainants and other persons involved in an investigation of an allegation of workplace harassment shall not be subjected to retaliation, coercion, intimidation or reprisal.

*Amended 9-27-05; amended 7-9-15*

## **4. Drug-Free Workplace Policy \***

## **4. Drug-Free Workplace Policy \***

(\* Note: See explanation under Other Related Policies.)

Drug abuse and use at the workplace are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the use of drugs may impair the well-being of officers, employees, and the public at large, and may result in damage to court property. Therefore, it is the policy of the Nebraska Court System that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace is prohibited. Any officer or employee violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

1. The Nebraska Court System does not differentiate between drug users and drug pushers or sellers. Any officer or employee who gives or in any way transfers a controlled substance to another person, sells or manufactures a controlled substance, or violates any drug law while on the job or on court premises will be reported to the appropriate prosecuting authority and, whether convicted or not, will be subject to discipline up to and including termination.
2. The term "controlled substance" refers to any drug listed in 21 U.S.C. § 812 or a drug, substance, or immediate precursor listed in Schedules I to V of § 28-405 of the Nebraska Revised Statutes. Also included in the term are unauthorized prescription drugs.
3. Each officer and employee is required by law to inform the State Court Administrator or State Probation Administrator within 5 days after he or she is convicted of violating any federal or state criminal drug statute, where such violation occurred on the court system's premises. A conviction means a finding of guilt by a judge or jury in any federal or state court.
4. The Administrative Office will notify the U.S. government agency with which a contract has been made within 10 days after receiving notice from an employee or a judge or otherwise receiving actual notice of such a conviction.
5. If an officer or employee is convicted of violating any criminal drug statute while at the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the Nebraska Court System may require the officer or employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.

As a condition of further employment on any federal government contract, the law requires all officers and employees to abide by this policy.

## **5. Travel Policies \***

## **5. Travel Policies \***

(\* Note: See explanation under Other Related Policies.)

## **A. Travel Reimbursements**

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## **A. Travel Reimbursements**

Reimbursements will be made only for travel expenses essential to the transaction of official business and all expenses claimed should reflect only those amounts actually expended. Expense vouchers should be fully itemized, including when, where, and why the travel expenses were incurred with expenditures listed by the day the expenses were incurred. Expense vouchers must be submitted at least on a monthly basis to the Administrative Office of the Courts/Probation. Expense voucher forms are available online at: <http://www.supremecourt.ne.gov/forms/supreme-court-travel-report.shtml>. If the reimbursement is for an expense related to education, the voucher should be submitted directly to the Judicial Branch Education Director.

## **B. Approval for Travel**

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## **B. Approval for Travel**

Before an officer or employee attends a function, conference, or meeting requiring travel, approval should be obtained from the State Court Administrator, State Probation Administrator, or Judicial Branch Education Director. This does not include normal day-to-day travel required for regular job responsibilities or activities required or sponsored by the Administrative Office of the Courts/Probation including Judicial Branch Education. However, a judge exercising his or her authority to request assistance from another judge to cover cases on a temporary basis, shall request approval from the Administrative Office of the Courts only if the replacement judge must travel more than 60 miles (one way) to perform those duties. In all cases, prior approval must be obtained if the travel method chosen is not the most economical method of transportation.

Every effort shall be made to submit requests for approval for travel not later than 30 days prior to the event.

## **C. Mode of Travel**

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## **C. Mode of Travel**

## **General Policies**

Judicial officers and employees may choose any mode of transportation. However, reimbursement of expenses and travel time determinations will be limited to the most reasonable, least-cost mode of transport as determined by the Finance Office. Reimbursement of transportation expenses is also subject to the following limitations:

### **Air Travel**

Air travel shall only be authorized by the State Court Administrator, State Probation Administrator, or Judicial Branch Education Director when it is more economical than surface transportation or will result in a substantial savings of expense or productive time. Reimbursement for commercial air travel will be limited to "coach" fare if such seating is available at the time of ticket purchase. Travel by privately-owned, state-owned, or personally rented airplanes must have the prior approval of the State Court Administrator, State Probation Administrator, or Judicial Branch Education Director. Employees and officers should coordinate with the State Court Administrator, State Probation Administrator, or Judicial Branch Education Director in booking air travel. The submission of a receipt showing booking terms is required for reimbursement.

### **Personal Automobiles**

A judicial officer or an employee will be reimbursed for use of a personal vehicle while on work-related business (this does not include commuting miles). When reimbursement is claimed for mileage by personal automobile, the employee's number (which can be found on the employee's paystub), the points between which said mileage occurred, the times of arrival and departure, and the necessity and purpose of such travel should be shown on such claim. Total mileage will be reimbursed at the current mileage rate per mile per vehicle as determined by the Nebraska Supreme Court regardless of the fact that one or more persons may have been transported in the same vehicle. Funds expended for parking may be claimed in addition to mileage.

Mileage reimbursement will be based on the following definitions:

A primary work site is a judicial officer's or an employee's principal place of business or assigned headquarter office.

A secondary work site is any other place a judicial officer or an employee is required to report to work.

A temporary work site is a short-term assigned work site in addition to a judicial officer's or an employee's primary work site.

An employee's supervisor determines which site is the primary work site. All other sites are considered secondary work sites for mileage reimbursement purpose. The Nebraska Supreme Court or the Judicial Resources Commission determines the primary work site of judicial officers.

Mileage from a judicial officer or an employee's residence to a primary work site and return is considered commuting by the IRS and not reimbursable. (See State Vehicle section below for more information regarding commuting.)

Mileage from a judicial officer or an employee's residence to a secondary or temporary work site and return, when the distance from home to the secondary or temporary work site is longer than from home to the primary work site, is reimbursable with the following limitation. Reimbursement is limited to the DIFFERENCE of mileage from home to the primary work site as compared to the mileage from home to the secondary or temporary work site.

Mileage from a primary work site to a secondary or temporary work site is reimbursable with the

following limitation: Work must be conducted at both locations.

When a judicial officer or an employee is called to work duty during non-work hours, such as juvenile intake, OPG intake, or other on-call responsibilities, the entire actual mileage is reimbursable.

If a judicial officer or an employee chooses an alternative mode of transportation in lieu of air travel, even though air travel is a more economical method of transportation, the judicial officer or employee will be reimbursed only the amount equal to the cost of air travel. Other expenses such as lodging and meals that may be incurred because of traveling by the alternative mode of transportation will not be reimbursed. Extra days spent for personal travel outside of the scheduled training, conference, or business meeting dates will not be considered work time and are not reimbursable. Employees electing to utilize modes of transportation resulting in additional days of travel may also be required to claim leave for the extra days of travel incurred.

It is recommended that if a state vehicle is available, it be used in lieu of a personal vehicle when traveling in excess of 50 miles. When an employee is required, by a supervisor, to use a state vehicle and the employee chooses to use a personal vehicle, the personal vehicle mileage will not be reimbursed.

### **State Vehicles**

No reimbursement for mileage will be allowed when such mileage accrues while using an automobile owned by the State of Nebraska.

Permanent state vehicle assignment will be considered when a vehicle is required for a period of 30 days or longer, will travel a minimum of 1,000 miles, and will be utilized 17 working days monthly.

Requests for permanently assigned vehicles should be submitted to the Administrative Office of the Courts/Probation at least 20 working days in advance of the required date. Requests should include the date the vehicle is desired; the type of vehicle desired, i.e., compact, intermediate, or regular sedan, et cetera; the estimated monthly mileage; the name of the principal driver; and the office location.

Personal use of any state-owned vehicle is prohibited by statute and is a Class V misdemeanor. See Neb. Rev. Stat. § 81-1024.

Whenever a state vehicle is permanently assigned to an officer or employee of the court, additional policies regarding the use of a state vehicle should be requested from the Administrative Office of the Courts/Probation.

Officers and employees are encouraged to carpool for travel to events, and the Administrative Office of the Courts/Probation reserves the right to require carpooling with state vehicles for specified functions.

*Travel Policies amended April 10, 2019.*

## **D. Commuting**

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## **D. Commuting**

Commuting expenses are defined by the Internal Revenue Service as those expenses incurred in traveling

from one's residence to one's place of work and return to residence no matter how often this occurs during a day. These expenses are considered personal expenses and are not considered reimbursable expenses. When using a state car for commuting, IRS rules require that \$1.50 each way be added to the employee's income reported on a W-2.

## **E. Conference / Meeting Expenses**

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## **E. Conference / Meeting Expenses**

The approval to attend a conference, workshop, or meeting that is not considered a normal job responsibility, or that is not sponsored by the Administrative Office of the Courts/Probation including Judicial Branch Education, shall be obtained from the State Court Administrator, State Probation Administrator or Judicial Branch Education Director prior to the individual's attendance at such function. If funding is being requested for an education event that is not sponsored by Judicial Branch Education, prior approval shall be requested by using the forms prescribed by the Judicial Branch Education Director. The forms are available at: <https://supremecourt.nebraska.gov/sites/default/files/HR-2-15.pdf> for the courts and <https://supremecourt.nebraska.gov/sites/default/files/HR-2-12.pdf> for probation.

Only conference/meeting expenses incurred on the days necessary to travel to and from the conference/meeting and those incurred on the actual days of the conference/meeting may be reimbursed. Prior approval from the State Court Administrator, State Probation Administrator, or Judicial Branch Education Director must be obtained for reimbursement of expenses that result from arriving early or result from extending departure. The following includes additional specific limitations in expense reimbursements.

### **(1) Meals**

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### **(1) Meals**

Only actual amounts paid for meals may be claimed. The Internal Revenue Service requires employees to substantiate the cost of meals under an accountable plan. The Administrative Office of the Courts/Probation requires all officers and employees to keep itemized receipts (not credit card receipts) for meal expenses. Transfer the receipt information to the expense voucher and attach the receipts to the expense voucher to satisfy the IRS requirement for an accountable plan. Unsubstantiated meal expenses will not be reimbursed. Again, the amounts claimed should be actual meal costs. Tips are a reimbursable expense. No reimbursement may be made for alcoholic beverages.

There are time limitations on reimbursements for meals. The time limitations do not include the time taken for the meal. If departure is before 6:30 a.m. or 1½ hours before the officer or employee begins work, whichever is earlier, breakfast may be reimbursed. Noon meals may be reimbursed if departure is at or before 11 a.m. (for overnight travel) or the return time is at or after 2 p.m. (from overnight travel). Noon meals for 1-day travel are not reimbursable. If the return time is after 7 p.m. or 2 hours after the officer's or

employee's workday ends, whichever is later, the evening meal may be reimbursed. Meal expenses incurred in the city or town in which the residence or primary work location of such employee or officer is located are not reimbursable. Reimbursement for meal expenses incurred on 1-day travel is taxable income to the officer or employee if the expenses are \$200 or more in any one year--December 1 through November 30. The total amount is taxable income.

Reimbursements for meals will not exceed the U.S. General Services Administration (GSA) limit on meals. Meal allowances include tips. Guidelines for meal allowances can be found on the following Web site: [www.gsa.gov](http://www.gsa.gov). Employees or officers will not be reimbursed for any meal that was provided as part of an event or function should they choose to eat elsewhere absent good cause shown.

*Amended December 11, 2013.*

## **(2) Lodging**

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## **(2) Lodging**

Lodging may be reimbursed if the attendance of a meeting or conference requires an officer or employee to be away from the general area of his or her normal work location for a period substantially longer than an ordinary day's work. The absence must be of such duration that the officer or employee cannot reasonably leave and return to that location before and after each day's work.

Generally, a person must be 50 miles or more from his or her workplace in order to be eligible for lodging reimbursement. Under special circumstances and with prior approval, lodging may be approved for distances less than 50 miles. A written request for such approval should be directed to either the State Court Administrator, State Probation Administrator or if the event is a Judicial Branch Education event, the Judicial Branch Education Director.

Receipts for lodging on motel/hotel letterhead are required for reimbursement (not the charge card receipt). Only actual expenses for lodging are reimbursable, and prior approval is generally required. No movie charges or alcohol charges are allowed. At the time a request is made to attend the conference/meeting, individuals should request that the State Court Administrator, State Probation Administrator, or the Judicial Branch Education Director try to arrange for direct billing.

The state rate for lodging should always be requested. In no event should the federal GSA per person per night rate be exceeded without advance approval. Any deviation from the federal per diem rates (GSA per diem rates: [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem)) must be accompanied by documentation justifying the need for such deviation. If an officer or employee shares a room with an individual other than an officer or employee, only the single rate will be reimbursed. The difference must be paid when checking out. The motel/hotel should note the single rate on the bill. If a room is shared by two or more officers or employees, the name(s) should be noted on the bill.

It is the responsibility of an employee or officer to honor hotel/motel checkout times. If a late checkout results in a charge for that day, payment of that charge will be the responsibility of the officer or employee.

Often for meetings and conferences sponsored by the Supreme Court, lodging expenses will be direct billed. Billing should always be checked before leaving the hotel/motel. If lodging is direct billed, individuals must pay additional costs, i.e., telephone calls, which may be indicated on the billing. Personal

phone calls are not reimbursable.

If lodging is with friends or relatives, there are no reimbursable lodging expenses.

## **(3) Other Expenses**

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## **(3) Other Expenses**

Registration fees for programs not funded by the Supreme Court are reimbursable if prior approval has been granted. The original receipt or canceled check should be included with the claim.

Parking expenses, tips, tolls, and baggage handling expenses are reimbursable. No receipts are necessary unless the expenses are unusually high.

Other ground travel expense (cab, shuttle bus, intra-city bus, et cetera) is reimbursable. No receipts are necessary unless the expense is unusually high.

Note: If an officer or employee of the Court registers for a conference or workshop and then fails to attend without canceling in adequate time, all expenses (i.e. registration fee, lodging, prescheduled meals, et cetera) will be the responsibility of the officer or employee of the court except under extraordinary circumstances.

## **F. Expense Reimbursement Document (Expense Voucher)**

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## **F. Expense Reimbursement Document (Expense Voucher)**

Expense vouchers should be submitted at least once a month but may be submitted more often if desired. Expense voucher forms are available online at: <https://supremecourt.nebraska.gov/sites/default/files/HR-2-05.pdf>. All expenses should be listed for conferences separately from other monthly travel expenses. Employees and officers must include their NIS number on the expense voucher. The NIS number is shown on paycheck stub information available online.

Expenses should be itemized so that the nature, purpose, and necessity of each item are apparent. Expense vouchers should include the time and place of departure and the time of return to the headquarter city in each instance. All items claimed for reimbursement for any one trip should be included on the same expense voucher.

One officer or employee may be reimbursed for actual expenses incurred on behalf of another officer or employee, such as when two employees sharing a motel room are billed jointly and one officer or employee



pays the bill. The officer or employee to be reimbursed should provide the same detailed information on the expense voucher that would have been required if each officer or employee had been billed individually. In all cases, when one officer or employee is requesting reimbursement for expenses of more than one officer or employee, original receipts should be provided, and the officers or employees' names listed and documents cross-referenced, when applicable. If two officers or employees are billed jointly, but each pays half and each requests reimbursement separately, the documents should be cross-referenced, since one officer or employee usually will not have an original receipt.

Expenses will be paid for officers and employees of the courts and probation only. In cases in which a spouse or other individual accompanies the officer or employee on official business, only the expenses of the officer or employee will be paid. In such cases, lodging and other receipts should indicate the appropriate single person charge.

Original signatures on all expense vouchers are required from both the officer or employee and appropriate supervisor (Division Approval). No stamped signatures will be accepted.

## **Court Interpreter Fee Schedule and Payment Policy**

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## **Court Interpreter Fee Schedule and Payment Policy**

The fees and expenses of an interpreter shall be fixed and ordered paid by the judge before whom such proceeding takes place, in accordance with a fee schedule established by the Supreme Court, and be paid out of the General Fund with funds appropriated to the Supreme Court for that purpose. (Neb. Rev. Stat. § 25-2406)

The Nebraska Supreme Court establishes the following interpreter fee schedule:

- A. For non-certified interpreters: \$35.00 per hour, 2-hour minimum. Interpreter services and travel time will be included in the 2-hour minimum.
- B. For an interpreter who is a Nebraska Supreme Court Certified or Provisionally Certified Court Interpreter, \$50.00 per hour, 2-hour minimum. Interpreter services and travel time will be included in the 2-hour minimum.
- C. (1) For purposes of payment, sign interpreters for the deaf and hard of hearing who possess a Level I or II classification pursuant to Neb. Ct. R. § 6-702(D), are considered certified and are paid \$50 per hour (i.e., interpreters who hold at least one of the following RID certificates: Specialist Certificate: Legal (SC:L), NIC Master, NIC Advanced, NIC (basic), CI/CT, CSC. Deaf interpreters certified by the Registry of Interpreters for the Deaf).

(2) For purposes of payment, sign interpreters who possess a Level III classification pursuant to Neb. Ct. R. § 6-702(D) are considered non-certified and are paid \$35 per hour (i.e., interpreters who hold RID CI, RID CT, NAD 4 or 5, QAST 4/4 or higher. Deaf interpreters who hold a Nebraska Specialist Intermediary License).

D. Unless otherwise agreed to, interpreters shall be paid by the hour in 15-minute increments. Time shall be determined by using the next highest 15-minute increment (i.e., 2 hours 4 minutes equals 2 hours 15 minutes).

E. In the event an interpreter has multiple assignments within 2 hours for the same or different offices, only one "2-hour minimum" shall be permitted. Only one "2-hour minimum" shall be permitted in the morning and only one "2-hour minimum" shall be permitted in the afternoon. Travel time will be considered in determining minimum hours for payment.

F. Round-trip mileage will be compensated at the rate set forth by the Nebraska Supreme Court if the number of miles traveled from the interpreter's starting point to the interpreting site (e.g., courthouse or probation office) is more than 15 miles one way. In addition, interpreters whose assignments require them to travel 50 or more miles in a single day are eligible to receive compensation for time spent traveling to and from those assignments **provided that when combined, the time spent traveling and the time spent interpreting exceeds the 2-hour minimum.** In such instances, certified, provisionally certified, and non-certified interpreters shall be compensated for driving to and from assignments at the rate of 80 percent of the hourly rate for time in excess of the 2-hour minimum. For purposes of compensation, 50 miles is equal to 1 hour of travel time.

G. If an interpreter has an assignment which is canceled within 2 business days of the time the assignment is due to commence, the court shall, by written authorization, allow the interpreter payment for all the reserved time. The judge shall authorize and certify the amount of time that was reserved, subject to mitigation.

H. The State Court Administrator shall be permitted to enter into contracts with individual interpreters to perform interpretation services for a specified service area at a rate established by the contract.

I. Notwithstanding the above fee schedule, a chief probation officer, or a judge before whom a proceeding has taken place, an interpreter, and the State Court Administrator may agree to pay an amount for interpreter services which is other than the established rate.

J. An interpreter shall complete and submit a standard approved STATEMENT FOR PAYMENT OF INTERPRETER form for any unclaimed interpreter services between the 1st and the 7th day of the month only. The form shall include all authorizing signatures, names of courts, probation districts and counties, and types of activities being interpreted. Statements may include assignments from multiple courts and probation districts and shall include authorizing signatures from each judge, clerk, or probation officer for whom the service was provided. No payment will be made for services provided six months or more before the submission of the billing statement unless good cause is shown why the statement could not have been timely submitted.

Amended effective this 19th day of December, 2012.

/signed/Janice K. Walker, State Court Administrator

# Language Access Committee Payment Policy

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## Language Access Committee Payment Policy

Certified interpreters serving on the Language Access Committee may be paid for the time that they spend attending and traveling to meetings of the Language Access Committee upon submission of a Statement for Payment of Interpreters.

*Adopted August 28, 2013.*

## Probation Administration Code of Ethics

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## Probation Administration Code of Ethics

The intent of the Nebraska Probation System Code of Ethics is to define our values, beliefs, and conduct by demonstrating responsibility toward our courts, communities, victims, probationers, and colleagues.

As Probation staff, we commit to demonstrating the highest standards of personal and professional integrity by practicing honesty, respecting the dignity and individuality of human beings, and providing professional and compassionate service. We further resolve to conduct ourselves in a professional manner, so as to avoid the appearance of impropriety and increase the public trust and confidence in the Nebraska Probation System.

- I will carefully guard my reputation of good moral character and citizenship. I will use time, resources, facilities, and information for their intended purpose.
- I will seek to preserve the dignity and rights of all individuals by practicing courtesy, respect, and responsiveness.
- I will conduct myself at all times in a professional manner regarding appearance, conduct, and speech.
- I will model policies, procedures, and personal practices which will enable others to conduct themselves in accordance with our values and beliefs.
- I will neither accept nor grant favors in connection with my position.
- I will continue to work against discrimination based on race, sexual orientation, gender, age, creed, nationality, cultural, physical or economic conditions.
- I will refrain from activities which conflict or appear to conflict with my official duties and responsibilities, which includes inappropriate relationships, misuse of alcohol/drugs, and unlawful acts.
- I will perform my duties in a timely, relevant, and accurate manner.
- I will exercise professional judgment and not allow external pressures to influence my decisions.
- I will advance my professional competency by continuing education and training consistent with evidence-based practices.
- I will safeguard all verbal, written, and electronic information concerning offenders, colleagues, victims, and others.

- I will report any corrupt or unethical behavior which could affect an offender, colleague, or the integrity of the Probation System.

The Nebraska Probation System is committed to providing its employees with an open and safe work environment. To ensure the rights of all employees, appropriate corrective and/or disciplinary action will be taken.

This information does not and cannot attempt to detail every incident which could violate the Code of Ethics.

*Approved September 9, 2009.*

## **Probation System: Continuous Alcohol Monitoring Devices**

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## **Probation System: Continuous Alcohol Monitoring Devices**

## **Rule Governing Approval of Continuous Alcohol Monitoring Devices and Means of Installation**

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## **Rule Governing Approval of Continuous Alcohol Monitoring Devices and Means of Installation**

*(Approved February 14, 2007)*

### **1. Statutory Authority**

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### **1. Statutory Authority**

This rule is promulgated under the authority of Neb. Rev. Stat. § 60-6,211.09 (Cum. Supp. 2006).

## 2. Purpose

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## 2. Purpose

The purpose of this rule is to establish standards for continuous alcohol monitoring and for the approval, installation and use of such devices by individuals sentenced to probation.

## 3. Definitions

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## 3. Definitions

a. Continuous alcohol monitoring device means a portable device capable of automatically and periodically testing and recording alcohol consumption levels and automatically and periodically transmitting such information and tamper attempts regarding such device, regardless of the location of the person being tested. Neb. Rev. Stat. § 60-614.01 (Cum. Supp. 2006).

b. "BAC" shall mean the blood alcohol concentration expressed in percent weight by volume (% w/v) based upon grams of alcohol per 100 milliliters of blood.

c. "BAC FAIL" shall mean the condition in which the continuous alcohol monitoring device registers a BAC value in excess of the alcohol setpoint limit.

d. Setpoint shall mean the minimum confirmation level of .020 BAC.

e. Tamper shall mean an overt conscious attempt to defeat the technology, prevent an alcohol test and/or to remove the device.

f. Court shall mean the judge who sentences a person and as a condition of probation imposes the use of a continuous alcohol monitoring device.

g. Administration shall mean the Office of Nebraska Probation Administration.

h. Administrator shall mean the Administrator of the Office of Nebraska Probation Administration or his or her designee.

i. An individual sentenced to probation shall mean a defendant who has been convicted of a second or subsequent violation of Neb. Rev. Stat. § 60-6,196 or § 60-6,197 and given a sentence of probation which includes the use of a continuous alcohol monitoring device as provided within Neb. Rev. Stat. § 60-6,197.01(2).

## 4. Standards

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## 4. Standards

In order to obtain approval of the Administration as an approved continuous alcohol monitoring device, a manufacturer shall confirm in writing to the Administrator that the unit(s) comply, or substantially comply, with the following specifications and requirements.

a. The continuous alcohol monitoring device shall contain a bracelet, a modem and a secure web-based network application.

b. The bracelet shall be worn 24 hours per day, 7 days per week by an individual sentenced to probation and the bracelet shall contain a sensor pack that measures ethanol vapor as it mitigates through the skin to determine BAC. The bracelet shall be tamper-resistant, water-resistant and wear-resistant. The bracelet shall collect, store and transfer data via an RF link to the modem. The bracelet shall sample the individual sentenced to probation at least once per hour and every reading shall be date-stamped, time-stamped and stored in a memory chip. If the bracelet detects alcohol or a tamper attempt, the bracelet shall automatically begin sampling every 30 minutes until alcohol is no longer present. The bracelet shall make an attempt to communicate with the modem after each test.

c. A modem is placed in the home (or another approved telephone-enabled location) of the individual sentenced to probation. At a scheduled time each day, the individual sentenced to probation shall be required to be within 30 feet of the modem so as the bracelet can communicate with the modem. Using a proprietary 9000 MHz frequency, the modem shall retrieve all available data from the bracelet. In the event of a positive reading or a tamper alarm, the bracelet shall immediately begin looking for the modem and the data shall upload as soon as the individual sentenced to probation is within range. When a data transmission occurs, the modem shall send all data to a secure web-based network application via a standard telephone line. Alcohol reading, tamper alerts and diagnostic data are all communicated to the aforesaid secure web-based network application. In turn, the secure web-based network application uses the modem to download monitoring and reporting schedules to the bracelet.

d. The secure web-based network application shall be accessed via the Internet using a standard web browser so that monitoring personnel control the testing, synchronization and reporting schedules for each individual sentenced to probation. Within one working day, the manufacturer or their representative shall notify the court of all positive alcohol readings, tamper alerts or equipment malfunctions. The secure web-based network application additionally shall offer around the clock access to all test results from any location.

e. The manufacturer and/or representative shall supply for each continuous alcohol monitoring device a warning label which shall carry the following language, "WARNING! ANY ACTUAL OR ATTEMPTED TAMPERING OF THIS DEVICE CAN SUBJECT YOU TO ADDITIONAL PENALTIES."

f. Upon the demonstration by the manufacturer of a continuous alcohol monitoring device that said device complies, or substantially complies, with the criteria outlined by the aforesaid standards, the Administrator may issue a certificate of approval. The Administrator shall maintain a list of approved continuous alcohol monitoring devices and their manufacturers or representative.

## **5. Installation and Maintenance**

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## **5. Installation and Maintenance**

In addition to the aforesaid standards, use of continuous alcohol monitoring devices installed pursuant to a court probation order shall also be subject to the following requirements:

a. Installation: Continuous alcohol monitoring devices shall be installed by the manufacturer or by private sector providers in conformance with the directions of the manufacturer. A continuous alcohol monitoring device shall be used in accordance with the prescribed procedures and maintenance of the manufacturer.

b. Phone Line: To the extent required for proper operation of the device, individuals sentenced to probation are required to maintain a phone line unless the court approves another telephone-enabled location. All phone bills associated with the program are paid by the individual sentenced to probation. Individuals sentenced to probation will be responsible for limiting the use of the phone or internet use via the phone line during the hours when the individuals sentenced to probation is scheduled for downloads.

c. Payment: Individuals sentenced to probation are required to pay a per-day fee as set by the manufacturer, in conjunction with the Office of Probation Administration. Additionally, a one-time fee is assessed for initial installation and activation of the equipment. Fees are to be paid monthly in advance to the manufacturer or their representative.

d. Employment: Individuals sentenced to probation are not required to be employed to be eligible for the continuous alcohol monitoring device, however, they will be held financially responsible for the costs associated with the program.

e. Copy: The manufacturer or their designated representative shall furnish the Office of Probation Administration or designated probation office a written copy of verification that a continuous alcohol monitoring device has been installed.

f. Reporting Requirements: The manufacturer or their designated representative shall report to the Office of Probation Administration or designated probation office at the end of the monitoring period or upon a written request, a complete record of installation and usage records of a continuous alcohol monitoring device placed in service by the court.

g. Reporting Requirements to the Administration: The manufacturer or their designated representative shall report to the Administration when requested, a complete record of installation and usage records of any continuous alcohol monitoring devices placed in service in Nebraska.

h. Independent Checks on Continuous Alcohol Monitoring Devices: The Administration may conduct or have conducted independent checks on any of the approved continuous alcohol monitoring devices to determine if the devices are operating within this rule. If the check indicates that this rule is not being followed, the Administration shall require the manufacturer or their designated representative installer to correct any abnormality found in the installation or usage records of the device. The manufacturer or their designated representative installer shall report in writing to the Administration within 30 days after receiving notification of the abnormality. The Administration shall have the authority to remove from the list of approved continuous alcohol monitoring devices, any device, any manufacturer of a device or any representative of a manufacturer not found to be in compliance with this rule.

## **6. Court Proceedings**



## 6. Court Proceedings

Nothing in this rule shall prohibit an individual from raising any valid defense in a court proceeding involving the device referred to herein.

## Judicial Branch Facilities

## Judicial Branch Facilities

Continuity of Operations Plan (COOP) for Nebraska Trial Courts

Nebraska Court Facility Planning Guidelines and Standards

## Emergency Preparedness Planning Resources

## Emergency Preparedness Planning Resources

- Nebraska Judicial Branch Emergency Status Information
- Health Alert Printable Signage (Spanish)
  - Occupancy Limit Sign - Court (Spanish)
  - Occupancy Limit Sign - Office (Spanish)
  - Occupancy Limit Sign - Probation (Spanish)
  - Health Screening Sign (Spanish)
- Fillable COOP Template (Spanish)
- Fillable District Court COOP Template
- Separate Juvenile Courts COOP Template
- PPE Order Form
- Trial Courts Emergency Preparedness Plan
- Trial Court Planning Template
- Recovery and Reconstitution Guidance for the Trial Courts

- Probation and Problem-Solving Courts Emergency Preparedness Plan
- Probation and Problem-Solving Courts Planning Template
- Nebraska Judicial Branch Employee Telecommuting Forms
- Nebraska Pandemic Benchbook
  - Pandemic Benchbook Motions, Notices, and Orders - Word Version

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## **Pandemic Benchbook Motions, Notices, and Orders - Word Version**

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# Pandemic Benchbook Motions, Notices, and Orders - Word Version

1. Motion for Enforcement of Directed Healthcare Measure
2. Notice of Hearing and Notice of Rights
3. Order of Enforcement of Quarantine, Isolation, Decontaminations, or Other
4. Order of Enforcement of Isolation
5. Order of Enforcement of Quarantine
6. Order to Procure Biological Evidence

## Standards for Court Security Adopted by Nebraska Supreme Court

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## Standards for Court Security Adopted by Nebraska Supreme Court

Pursuant to Neb. Rev. Stat. §§ 24-515 and 23-120, Nebraska counties are responsible for providing suitable housing for the courts of the state.

In the interest of protecting court employees and the public, the following security standards have been adopted as a supplement to the standards for facility planning:

(1) Security in courtrooms. Each courtroom in the state shall be equipped with a **panic button** and shall contain **bullet-resistant material** behind the judge's bench.

(2) **Separate entrances and corridors** shall be provided for the public, court employees and prisoners. Standards for court facilities have been adopted by the Supreme Court and can be found in the document "Nebraska Courts: Facility Planning Guidelines and Standards." This document is available from the Supreme Court Administrative Office of the Courts.

## Best Practice Guidelines and Standards

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# **Best Practice Guidelines and Standards**

## **Guidelines for Electronic Evidence**

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## **Guidelines for Electronic Evidence**

This policy is intended to assist parties, counsel, and the courts in working with electronic evidence and is not mandatory. For purposes of this policy, "electronic evidence" is evidence created, transmitted, or stored in digital form.

## **I. Electronic Evidence Submitted to Courts**

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## **I. Electronic Evidence Submitted to Courts**

1. When electronic evidence is used during trial, the submitting party/counsel should provide the court with
  - (a) the original evidence, as amended through trial, on its submitted storage device with data preserved in its native format; and
  - (b) a duplicate copy of the evidence, that shall be
    - (i) formatted as an Adobe Acrobat PDF file (in read only format), a comma delimited data file, an XML file, a JPEG, an MPEG, or an MP3 audio file;
    - (ii) provided on a secure and protected media storage device; and
    - (iii) identified with an adhesive label that shall be affixed to each storage device legibly identifying the case caption, docket and page or case numbers, disk number (1 of 2, etc.), and the format(s) used.
2. Such storage devices shall be for the exclusive use of the courts and authorized court personnel, unless otherwise ordered.

## **II. Electronic Evidence on Appeal**

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## II. Electronic Evidence on Appeal

1. The Clerk of the Court shall preserve electronic evidence in the following manners:

(a) the native form of the evidence shall be preserved as submitted with the bill of exceptions, pursuant to the existing rules of evidence;

(b) the duplicate media storage device shall be preserved as submitted with the original form of the evidence with the bill of exceptions; and

(c) the data stored on the accompanying storage device shall be transferred to the court's server and stored with any electronic oral evidence. The server shall

(i) possess an architecture structure to provide easy access to files and allow for easy determination of files eligible for purging;

(ii) have adequate backup and disaster recovery procedures in place to protect the data; and

(iii) convert documents on file as necessary to current forms of software so that any future data extracted from the server shall not be provided in an antiquated format.

2. Upon request of a party or counsel, the court may provide, at such party's or counsel's expense, a copy of any electronic evidence, as well as any electronic oral evidence. Such evidence shall be provided in the format as preserved or on a storage device that is not antiquated by current technology standards.

## III. Periodic Review

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## III. Periodic Review

The Guidelines for Electronic Evidence shall be reviewed on a biannual basis by the Administrative Office of the Courts, which shall recommend any necessary updates to the formats, storage devices, and processes in the guidelines. The Administrative Office of the Courts shall also recommend any necessary file conversion of existing files to avoid obsolescence.

## Guidelines for Monitoring Court-Appointed Attorney Fees

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## Guidelines for Monitoring Court-Appointed

# Attorney Fees

Nebraska county governments are responsible for the costs of court-appointed counsel for indigents in certain criminal and civil judicial proceedings. Indigent defendants charged with an offense which may result in imprisonment are entitled to court-appointed counsel. Even absent statutory authority, the courts have the inherent authority to make such appointments. *Kovarik v. County of Banner*, 192 Neb. 816, 224 N.W.2d 761 (1975). Court-appointed counsel is entitled to be paid *reasonable* attorney fees and expenses. See Neb. Rev. Stat. § 29-3905. Additionally, in some civil proceedings, such as actions under the Nebraska Juvenile Code, see, e.g., Neb. Rev. Stat. § 43-272, a juvenile has the right to counsel at county expense if the child or the parents are indigent.

The Nebraska Supreme Court is vested with the inherent authority to do all things necessary for the proper administration of justice and equity and the constitutional power to promulgate uniform rules for the effectual administration of justice. These powers include the authority to establish a statewide uniform compensation scheme for court-appointed attorneys. Such a mandatory system could become necessary where inadequate compensation of court-appointed counsel by county governments begins to impair the right to effective assistance of competent counsel. At present, the Court concludes that such a system may be premature. In the alternative, however, in order for this Court to fulfill its duty to ensure that indigent persons are provided with competent, effective counsel, the Court hereby adopts the following guideline for statewide monitoring of court-appointed attorney fees and expenses paid by the counties:

Judges of the Nebraska judicial system may, in writing, request an inquiry by the Nebraska Supreme Court into inadequate compensation of court-appointed attorneys by counties within their judicial district. Written requests for an inquiry shall be presented to the Chief Justice and shall include sufficiently specific information to allow an initial assessment as to the adequacy of compensation practices of the county or counties at issue. Upon a showing of good cause, the Chief Justice shall appoint a representative of the Court who shall contact the appropriate county officials regarding the county's alleged failure to meet its financial obligations to indigent persons in judicial proceedings. In the absence of satisfactory explanation by the county of its practices, the Court may take whatever action it deems appropriate in order to compel compliance with the law.

*Adopted January 24, 2008; amended March 12, 2008.*

# Information Systems and Security Policy

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# Information Systems and Security Policy

*(Approved November 22, 2017; replaces the Acceptable Use Policy for Computer and Internet Use and the Electronic Communications Equipment Policy.)*

## I. Intent:

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# **I. Intent:**

The purpose of the Information Systems and Security Policy is to protect the judicial branch's information technology (IT) resources and to allow for current and future oversight of IT resources, restricting access as needed for security while still promoting the daily ability to conduct business and provide services.

## **II. Applicability:**

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## **II. Applicability:**

This Information Systems and Security Policy shall apply to all judicial officers and employees of the Nebraska Supreme Court (NSC). Where indicated, this policy shall also apply to contract workers and internship positions. Any judicial officer, employee, intern or contractor (end user) of the judicial branch is also governed by NITC (Nebraska Information Technology Commission) standards, when not in conflict with internal judicial branch policies.

## **III. Acceptable Use:**

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## **III. Acceptable Use:**

Use of judicial branch equipment and networks shall be prioritized for professional communications and handling of work-related business. Employees can use the equipment for personal use "within reasonable limits," which means it cannot result in loss of work productivity, interfere with official duties or result in additional expense. End users should not have any expectations of privacy regarding personal business conducted on equipment or networks provided through the judicial branch unless protected by state or federal law. All use is subject to applicable state and federal laws and regulations, such as public record laws of the State of Nebraska as well as Supreme Court rules. Routine monitoring of individual end users will not occur however NSC-IT will perform some routine monitoring of overall use of equipment or networks. In the event of reported or suspected violation of this policy, the State Court Administrator, the State Probation Administrator, or their designee may authorize monitoring of usage by a person subject to this policy, including Internet access and e-mail transmission, to be conducted by State of Nebraska Office of the Chief Information Officer (OCIO) or an applicable service provider. Unacceptable uses of judicial branch equipment and networks include, but are not limited to, violation of the privacy of other users and their data; malicious or disruptive use; unsolicited advertising, fund-raising or other for-profit activities; misrepresentation of the judicial branch; and use of unauthorized software or hardware in violation of license agreements. See also: NITC 7-101: Acceptable Use Policy State Data Communication Network.

# IV. Access Control:

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## IV. Access Control:

### a. Physical Access

i. The data center shall only be accessible by the Network Administrator. If a contract worker or anyone else needs to access NSC's servers in the data center the Network Administrator must accompany them. Physical access to the data center shall be granted by smart card credentials and fingerprint scanning of the Network Administrator by the OCIO and building security.

ii. Access to the storage vault(s) used for equipment storage by the NSC-IT (Nebraska Supreme Court Information Technology) Department in the basement of the state Capitol shall be controlled by the Court Administrator's office. The employee (employee, intern or contractor) must have smart card access to the basement of the Capitol and a vault key, or be accompanied by an authorized employee.

iii. Access to the NSC-IT work areas will be secured to ensure the protection of stored computer assets, as well as preventing unauthorized access to any IT workstations and equipment.

iv. NSC-IT will have a smart card and / or key access to all employee work areas before, during and after work hours for emergency IT purposes. NSC-IT will schedule visits ahead of time wherever possible.

v. Devices are available for checkout that allow end users to utilize hardware or software needed to do their job while away from their office. NSC-IT will manage access to and security for these devices. End users are responsible for safekeeping during the period in which they are checked out.

vi. Use of removable media shall be limited to purposes of direct support of work-related functions where other means of secure data transfer are not available. Only removable media issued by NSC-IT shall be used on judicial branch owned or leased equipment. NSC-IT will be responsible for scanning and securing removable media when not in use.

### b. User Access

i. The Network Administrator and or NSC-IT is responsible for creating user accounts and accompanying passwords, active directory (AD) structures for different departments and the needed group policies (GPO) to accompany them within the NSCAP (Nebraska Supreme Court Administration and Probation) domain. The state OCIO is responsible for exchange services and all other services and applications it provides and administers support for.

ii. When an employee position is open for hire, the hiring manager must notify the Network Administrator as soon as possible by submitting the approved NSC-IT checklist. This is necessary in order to facilitate procuring the hardware by the employee's start date.

iii. Once an employee has passed a background check and has been formally hired, the manager must then notify NSC-IT by submitting the approved form. Depending upon the needs of the position and requirements of the hiring manager, the new employee will be given access to the NSCAP domain. This will facilitate the creation of AD accounts, creation of a state email account and forwarding of the new employee's information on to other departments for additional program accounts to be created. Employees may be



issued state equipment for accessing state systems. Employees will also be given access needed for web applications and necessary software relating to the position.

iv. State issued cellular devices are available upon the approval of the hiring manager assuming the position is eligible for a cellular device. The phone must be requested through the Network Administrator or other designated Communications Coordinators authorized to procure through the OCIO.

v. Personal phones may have state email accounts installed on them but only after the required form is filled out and returned to the Network Administrator, signed by the Court Administrator and Chief Information Officer for the state. See: NITC 5-204: Linking a Personal Portable Computing Device to the State Email System.

vi. Hiring managers must notify the NSC-IT department of any upcoming employee termination/separation. For security reasons, all accounts must be immediately disabled upon any employee leaving his or her position. Any data that is still needed, whether email or network-related, must be transferred or saved by 5 p.m. on the employee's last day. For unplanned separations, the hiring manager must contact NSC-IT immediately.

#### vii. Contractors / Interns

Access for contractors or interns must be requested by the administrator or director of the department under which the systems reside. An AD account and a state email account can be created by NSC-IT at the request of the administrator or director.

#### c. Network Access

i. The Network Administrator is responsible for the NSCAP domain and all servers running within that domain. The Administrator is responsible for the daily upkeep, setup, disaster recovery and usage of these servers. The Administrator must be a part of any planned changes to the NSCAP domain, or usage of the domain by employees or third parties.

ii. The Network Administrator shall be the only one who is allowed to make programmatic changes to the NSCAP servers unless designated otherwise by the Administrator. The NSC-IT department is allowed to access AD for user setup and disabling user accounts along with creating file server shares. The NSC-IT department is also allowed to push software installs and updates over the NSCAP domain to its employees as needed.

iii. The Network Administrator shall utilize AD security event logs to log login and logout times for NSCAP domain access. The Network Administrator will also be responsible for administering the judicial branch's Mobile Device Management (MDM) solution for all state purchased mobile devices.

iv. The state OCIO department is responsible for VPN creation, upkeep and usage monitoring for all judicial branch employees, contractors and interns.

#### d. Computer Access

i. Only NSC devices with NSCAP user accounts shall be allowed to log onto the NSCAP domain. No other devices will have access to shared drives or applications residing on the NSCAP domain or VPN access to the NSCAP domain.

ii. User accounts will use ID's of employees' first initial of their first name and their whole last name. If this user ID is already taken, a middle initial will be used after the first initial of the first name. The password will conform to minimum password requirements. See NITC 8-302 Minimum Password Configuration. NSC-IT will not override these requirements for any employee.

iii. All judicial branch employees with system administrative credentials and contractors must use the state's VPN solution with dual authentication.

e. Application Access

i. All computers assigned from the NSC-IT department will have an operating system and basic software package that will allow employees to perform all necessary job responsibilities. Each office shall have software to fit their specific needs.

ii. If the application is controlled by the NSC-IT department, they will furnish the username and password and be in charge of resetting passwords. If the application is controlled by the individual departments, that department must appoint a person to handle usernames and passwords.

iii. Terminated end users must have their application access removed within 3 calendar days by the responsible department.

## V. Procurement:

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## V. Procurement:

a. The State Court Administrator, the State Probation Administrator or his or her designee, has the authority to approve contracts for the purchase or lease of electronic communications devices, and the accompanying services under which the Administrative Office of the Courts and Probation is the official "customer" to be billed. All purchases/leases of this type of equipment/services will be made through NSC-IT or the OCIO.

b. The judicial branch may provide employees with computer equipment and appropriate licensed software for business use. The hiring manager is responsible for ensuring that purchase of any software and/or hardware for use by an employee conforms to the needs of the position. Hiring managers must follow procedures for requesting hardware/software through NSC-IT. Technology provided by the judicial branch for use in county courthouses will follow a set of published standards.

c. The judicial branch may provide employees with mobile devices with a data plan for use in conducting official business outside the workplace when there is a significant business-related reason for doing so. Hiring managers must follow procedures for requesting mobile devices through NSC-IT.

d. The judicial branch will only procure electronic payment services, either online or point-of-sale, that have been approved through the State of Nebraska's contract process. These contracts shall ensure that the provider is fully PCI-DSS compliant and is subject to annual reviews of compliance status.

e. It is best practice when dealing with IT services to negotiate a Service Level Agreement (SLA). Be sure to keep the following points in mind when negotiating the SLA. Have the SLA reviewed by our legal counsel.

i. Full description of all services provided

- ii. Responsibilities of all parties involved
- iii. Ownership of data / programing code
- iv. Uptime requirements

## **VI. Data Protection and Destruction:**

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## **VI. Data Protection and Destruction:**

- a. Network drive storage is provided for court employees with backup protection and disaster recovery for work-related data storage.
- b. All data created and or stored on state networks, computers, peripherals or otherwise is property of the Supreme Court.
- c. Any confidential or restricted data saved to the file server needs to be made a part of a data inventory maintained by NSC-IT. Examples include Social Security numbers, individual health information, financial information, et cetera. See NITC 8-902 Data Classification Categories.
- d. Restricted and confidential data should not be transferred unless encrypted.
- e. Data that is past its retention period or that is no longer used or needed should be deleted in a timely manner. Hiring managers must inform NSC-IT upon an employee's separation from the judicial branch on whether local data, emails, and network data can be purged, or must be saved to another location.
- f. As physical data storage media such as hard drives, thumb drives, DVD's / CD's, et cetera, wear out, they must be physically destroyed by NSC-IT.

## **VII. Employee Responsibilities:**

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## **VII. Employee Responsibilities:**

- a. It is the responsibility of all employees to follow the Information Systems and Security Policy. All judicial branch employees must also review IT security training materials each year to maintain compliance.
- b. All employees are responsible for being security minded when dealing with passwords, hardware and state data. Passwords shall not be written down. Encrypted password keepers and training on how to use them can be provided by NSC-IT.
- c. Employees should only login with their own credentials to any network or application. Sharing of login

credentials is not allowed.

d. When an employee leaves his or her desk or computer, the employee will lock the device (Win+L).

e. An employee who is assigned technology equipment is responsible for safeguarding the equipment and controlling its use. Any employee whose equipment is mislaid or stolen should immediately report the loss or theft of such equipment to his or her supervisor and to the NSC-IT for proper incident reporting. If loss or damage of judicial branch owned equipment was caused by negligence on the part of the employee, the cost to replace or repair the item may be passed on to the employee. Upon separation from judicial branch employment, the employee is required to release any assigned equipment back to hiring manager or supervisor.

f. An employee who detects malware or any other compromise of the employee's device should immediately make a report to NSC-IT for proper incident reporting.

g. Employees will ensure that all removable media checked out to them will be secured at all times. Once an item of removable media has been used on a device not owned or leased by the judicial branch, it must be returned to NSC-IT for security scanning. Loss or theft of any item of removable media must be reported immediately to an employee's supervisor and NSC-IT.

h. Employees/contractors must utilize VPN whenever they are not directly connected to the state network. VPN must be used on any unsecured or public connection.

i. All judicial branch employees using state issued mobile devices must password protect the devices with a minimum of a 4-digit pin number. Stronger types of access control such as a longer password, thumbprint recognition are also acceptable. Personal mobile devices used to access state email must also adhere to the above guidelines.

## **VIII. Remedial Action:**

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## **VIII. Remedial Action:**

Remedial action for a violation of this policy may include disciplinary proceedings against the individual or individuals responsible, including termination of employment or reporting to the appropriate disciplinary authority. Criminal activity performed using any judicial branch device or system can result in criminal investigation and/or prosecution.

## **Nebraska State Bar Commission Regulation for Implementing Neb. Ct. R. § 3-119(A)**

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## **Nebraska State Bar Commission Regulation for**

# Implementing Neb. Ct. R. § 3-119(A)

For purposes of implementing Neb. Ct. R. § 3-119(A), as amended, the Nebraska State Bar Commission makes this regulation:

(1) The Commission will determine whether a non-Uniform Bar Examination (UBE) is an equivalent examination and maintain a list of those non-UBE jurisdictions identified by the Commission as administering an equivalent examination. That list will be available to prospective applicants.

(2) In connection with § 3-119(A)(3), which requires that a non-UBE applicant achieve an examination score at least equivalent to the UBE passing score established by the Nebraska Supreme Court in Neb. Ct. R. § 3-117(F), the Commission will utilize all score information reasonably available to it. In order to obtain scores from other jurisdictions, the Commission may be required to enter into nondisclosure agreements with other jurisdictions which include a provision prohibiting the Commission from disclosing a score or scores to the Class 1-A applicant. The Commission may enter into such agreements with the disclosing jurisdiction and may require the Class 1-A applicant to acknowledge and approve the nondisclosure.

(3) The Commission will determine whether an applicant has a score at least equivalent to the UBE passing score based on (a) the actual score achieved if based on a 400-point scale or (b) the relationship between the score achieved and the total scale as determined from § 3-117(F). For example, currently § 3-117(F) sets the passing score at 270 on a 400-point scale, which is 67.5 percent of the total scale of 400. The Commission will then apply the appropriate score analysis to applicants' scores from non-UBE jurisdictions with comparable examinations to determine whether there is score equivalency.

(4) Prior to paying any fee required by Neb. Ct. R. § 3-107, for a nonrefundable fee of \$50, a prospective Class 1-A applicant may have the Commission determine whether the prospective Class 1-A applicant has achieved "a score which is at least equivalent to the UBE score established by the Supreme Court and set forth in § 3-117(F)." In the event the prospective applicant completes a Class 1-A application, the \$50 will be credited toward the fee required by § 3-107. A determination that a prospective applicant has passed a non-UBE with a sufficient score to qualify as a Class 1-A applicant shall not operate as a waiver of any other requirements for admission.

*Approved May 13, 2015.*

## Nebraska State Library Social Media Use Policy

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## Nebraska State Library Social Media Use Policy

### About:

The Nebraska State Library is a public-court law library with a collection of over 130,000 volumes and several subscription-based legal databases. These resources aid the library in the fulfillment of its mission to provide open, reliable access to legal information.

The Nebraska State Library maintains a comprehensive collection of legal resources, including state and federal cases and statutes, treatises, Nebraska specific materials and forms, legal encyclopedias, and

electronic databases. Although the Nebraska State Library does check out some materials to licensed attorneys and state agency employees, it is primarily a reference/research library as opposed to a circulating library.

### **Mission:**

The Nebraska State Library strives to enhance knowledge of the law and facilitate access to justice by providing patrons with access to current and accurate legal information.

- The purpose of the Nebraska State Library's social media page is to further the library's mission by providing information about its collection and services, legal research tips, legal news, and link-worthy material from peer institutions.

### **Services:**

The Nebraska State Library's staff provides legal reference and research assistance in person, by telephone, and by email. As librarians, the staff can help patrons locate appropriate print and electronic resources, and advise them on efficient and effective research techniques. Library staff cannot tell patrons what forms to file, assist with preparing legal documents, interpret the law, or offer any legal advice. Please contact the library at [nsc.lawlibrary@nebraska.gov](mailto:nsc.lawlibrary@nebraska.gov) OR call 402-471-3189 for all reference assistance.

### **Linking:**

Links posted by the library to any other websites do not constitute or imply an endorsement of those sites, their content, or the products and services associated with those sites.

### **Privacy:**

All communication through the Nebraska State Library social media page is public. Visitors should be careful about posting any private or personally identifiable information and should limit such information to the minimum necessary to communicate their message. If patrons need to include private information in communications with the library, please contact the library directly at [nsc.lawlibrary@nebraska.gov](mailto:nsc.lawlibrary@nebraska.gov) OR call 402-471-3189.

### **Intellectual Property Rights and Ownership:**

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### **Disclaimer:**

The Nebraska State Library's social media sites are for information purposes only, not for use in any litigation or any other legal forum, and they do not represent the official views of the Nebraska Judicial Branch. There are no guarantees of accuracy, relevancy, or completeness. Participation on these sites implies an agreement with all of its policies. Nothing posted on the Nebraska State Library's social media sites shall be construed as legal advice.

*Nebraska State Library Social Media Use Policy approved April 10, 2019.*

# **Social Media Handbook**

# Social Media Handbook

Social Media Handbook - Revised 4.20.2020

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